

## SENATE.

TUESDAY, May 1, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.  
The Journal of yesterday's proceedings was read and approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 15334. An act to authorize the construction of dams and power stations on the Coosa River, at Lock 2, Alabama;

H. J. Res. 145. Joint resolution for the appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 149. Joint resolution extending the thanks of Congress to Gen. Horace Porter.

## PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of the Home Missionary Society of the Central Presbyterian Church of Orange, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Adopted Daughter Lodge, No. 3, Brotherhood of Locomotive Firemen, of Jersey City, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Home Missionary Society of the Emory Methodist Episcopal Church, of Jersey City, and of sundry citizens of Westfield, Newark, and Plainfield, all in the State of New Jersey, praying that the direction of the Alaskan schools may remain with the United States Bureau of Education; which were referred to the Committee on Territories.

Mr. NELSON presented a petition of the Minnesota State convention, praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Union No. 186, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Minneapolis, Minn., and a petition of sundry citizens of Red Wing, Minn., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the Society for Political Study of New York City, N. Y., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which was referred to the Committee on Education and Labor.

Mr. BEVERIDGE presented petitions of Local Union No. 373, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Vincennes; of the N. P. Bowsher Company, of South Bend, and of Local Union No. 63, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Elkhart, all in the State of Indiana, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Local Council of Women of Union City, Ind., and a petition of Rathbone Sisters, National Council of Women, of Union City, Ind., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Presbyterian Church of Hanover, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Lake Mohonk Indian conference, of Indiana, praying for the enactment of legislation to aid education in the Territories and the insular possessions of the United States; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Local Division No. 81, Amalgamated Association of Street and Electric Railway Employees of America, of Muncie; of Local Division No. 394, Amalgamated Association of Street and Railway Employees of America, of Tipton, and of Black Diamond Local Union No. 2412, United Mine Workers of America, of Linton, all in the State of Indiana, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. PENROSE presented a petition of the Woman's Club of

New Brighton, Pa., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

## REPORTS OF COMMITTEES.

Mr. McENERY, from the Committee on Private Land Claims, to whom was referred the bill (S. 5531) for the relief of Francisco Krebs, reported it with an amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 4946) for the relief of certain naval officers and their legal representatives, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 8973) to amend section 5200, Revised Statutes of the United States, relating to national banks, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 15266) to amend existing laws relating to the fortification of pure sweet wines, reported it without amendment, and submitted a report thereon.

## THE ZEBULON MONTGOMERY PIKE MONUMENT ASSOCIATION.

Mr. TELLER. From the Committee on Finance I report back with an amendment to the bill (H. R. 13783) to grant souvenir medallions for the Zebulon Montgomery Pike Monument Association. It is purely a local matter, and I ask that the bill may be put on its passage. The amendment is as to the date. The bill has the favorable report of the Department.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Finance was, in section 2, on page 2, line 14, to strike out "May" and insert "August," so as to read:

That the material from which said proposed medallions are to be made shall be furnished by the Secretary of the Treasury on or before the 1st day of August, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 5966) granting an increase of pension to C. C. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 5967) to acquire certain land in Washington Heights for a public park and site for the McClellan statue; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WETMORE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5968) granting a pension to Louisa Thompson;

A bill (S. 5969) granting an increase of pension to Franklin Burdick; and

A bill (S. 5970) granting an increase of pension to Julia A. Horton.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (S. 5971) relative to the fees of attorneys in cases before the Spanish Treaty Claims Commission; and

A bill (S. 5972) relative to appeals from the Spanish Treaty Claims Commission.

Mr. CLAY introduced a bill (S. 5973) for the relief of Well-born Echols; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FLINT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5974) for the restoration and repair of the United States post-office building at San Francisco, Cal., damaged by earthquake and fire;

A bill (S. 5975) for restoring and repairing the building occupied by the United States mint at San Francisco, Cal., damaged by earthquake and fire;

A bill (S. 5976) for restoring and repairing the warehouse occupied by the United States appraisers at San Francisco, Cal., damaged by earthquake and fire;

A bill (S. 5977) for the restoration and repair of the United

States subtreasury building at San Francisco, Cal., damaged by earthquake and fire;

A bill (S. 5978) for the restoration and repair of the United States post-office building at Oakland, Cal., damaged by earthquake and fire; and

A bill (S. 5979) for the restoration and repair of the United States post-office building at San Jose, Cal., damaged by earthquake and fire.

Mr. McCUMBER introduced a bill (S. 5980) granting an increase of pension to Jacob Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5981) granting an increase of pension to John H. La Vague; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 5982) granting a pension to Harriett Sprague Robins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5983) granting a pension to Lizzie C. Gregory; and

A bill (S. 5984) granting an increase of pension to Benedict Sutter.

Mr. PENROSE introduced a bill (S. 5985) to pay the findings of the Court of Claims upon the brig Amelia, Houston, master, under act of January 20, 1885; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a joint resolution (S. R. 53) authorizing the Secretary of the Navy to receive for instruction at the Naval Academy, at Annapolis, Daniel Caballero and Andres Cardenas, of Peru; which was read twice by its title, and referred to the Committee on Naval Affairs.

#### AMENDMENTS TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURKETT submitted an amendment proposing to appropriate \$2,500 for completing the paving of Florida avenue from Eighteenth street to Connecticut avenue, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate \$3,000 for grading and improving Eighteenth street from Minnesota avenue to Harrison street, Anacostia, D. C., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

#### AMENDMENT TO RAILROAD RATE BILL.

Mr. FULTON submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table and be printed.

#### PROPOSED METROPOLITAN POLICE INVESTIGATION.

Mr. TILLMAN. I send a resolution to the desk and ask that it be read and lie over under the rule.

The resolution was read, as follows:

*Resolved*, That the Committee on the District of Columbia be directed to investigate the circumstances of the arrest in the city of Washington, January 4, 1906, by the Metropolitan police of Mrs. Minor Morris, and her carriage, attended by indignity and cruelty, through the grounds and basement of one of the public buildings and thence, after being thrown violently into a cab, to the house of detention, and her incarceration for four hours on a charge of disorderly conduct, and later of insanity;

And also to investigate the manner and result of an inquiry made by Maj. Richard Sylvester, superintendent of the Metropolitan police, into the facts of the case; and to inquire whether said investigation was fair and unprejudiced and all the impartial and available witnesses examined;

Whether said superintendent undertook to make an investigation by the use of detectives and secret-service men concerning the previous life and reputation of Mrs. Morris;

Whether he procured and made use of a statement of one H. B. Weaver, M. D., who falsely pretended that Mrs. Morris had been a patient of his in Asheville, N. C., two years ago;

Whether there is any police regulation in the city of Washington which requires that any person arrested shall not be released until taken to police headquarters and there detained until a police inquiry is instituted and ended;

And especially to inquire whether the said superintendent of police and one of the chief witnesses against Mrs. Morris have since received recognition by the appointment of near relatives to office; and whether any laws should be adopted by Congress for the better regulation and improvement of the police force of the city of Washington.

The VICE-PRESIDENT. The resolution will be printed and lie over.

#### REGULATION OF RAILROAD RATES.

Mr. LODGE. I ask that there may be printed in pamphlet form the amendments which have been proposed to the railroad-

rate bill. I ask that the amendments may be printed in the order of the sections of the bill—that is, in the order in which they will be taken up under the unanimous-consent agreement for consideration. I think it would be a great convenience to Senators to have all the amendments in one compact form.

Mr. ALLISON. In bill form?

Mr. LODGE. Yes; in pamphlet form, printed all together. They will be printed from the bill print. I mean only to put them in pamphlet form.

Mr. ALLISON. In bill size?

Mr. LODGE. Yes.

Mr. GALLINGER. I suggest to the Senator that probably some of them do not refer to any specific section, and those could be printed, I suppose, at the end.

Mr. LODGE. At the end, where there is no specific section referred to.

The VICE-PRESIDENT. Is there objection to the request?

Mr. TILLMAN. I suggest to the Senator that if they are printed in the form in which they have been offered with lines and all that, it would be much easier for us to keep tab on them to have them bound in the form in which they are already printed.

Mr. LODGE. They can be bound in that form. It will answer every purpose. My only desire is to get them together in a form like that.

Mr. TILLMAN. Will the Senator accept as an amendment that they shall be bound together?

Mr. LODGE. Certainly; bound together.

Mr. TILLMAN. There is no need of any more printing of the amendments.

Mr. LODGE. There are plenty of copies, and they can be bound together in the form in which they are now, and in the order in which they would be considered—that is, in the order of the sections.

Mr. TILLMAN. Some of them make no reference to sections.

Mr. LODGE. All those would come at the end.

Mr. TILLMAN. I was going to suggest that it might be better to classify them by having those which refer to the court review and nonsuspension provisions in one bunch, and so on down with one subject, and with an index.

Mr. LODGE. That will be done by printing them according to the sections. The court-review amendments would come under one section. I think the arrangement by sections will cover the order of the amendments as well as anything.

Mr. ALDRICH. I have no objection to any number of amendments being reprinted if the Senate desires it, but of course there will be no understanding or obligation as to any order of amendments.

Mr. LODGE. Oh, no; not the least.

Mr. ALDRICH. The Senate will be perfectly free to take any course it deems best.

Mr. LODGE. Of course we can not set aside the rules of the Senate. A Senator can offer an amendment at any stage to any part of the bill. But the unanimous-consent agreement was that the bill should be read by sections for the purpose of amendment. I thought it would be a mere matter of convenience to have all the amendments bound together in the order of the sections; I thought it would save us a great deal of trouble; that is all.

The VICE-PRESIDENT. The Chair understands the request of the Senator from Massachusetts to be that the amendments be bound together.

Mr. LODGE. So that each Senator may have a copy for his own use.

The VICE-PRESIDENT. The Senator from Massachusetts does not ask for a further print?

Mr. LODGE. No; I do not ask for a further print.

Mr. NELSON. Would it not be well to print in that connection the name of the Senator who introduced the amendment?

Mr. LODGE. That appears upon every amendment now. The only proposition is to bind the printed amendments just as they are here.

Mr. BACON. Does that include a copy of the bill to be bound with the amendments?

Mr. LODGE. Substitute bills?

Mr. BACON. The original bill, the House bill.

Mr. LODGE. Oh, no.

Mr. BACON. I think that ought to be included. It would be more convenient.

Mr. LODGE. I think it would be a great deal better to keep the bill separate.

Mr. BACON. Let it include the bill and substitute bills and the amendments.

Mr. LODGE. I think it would be much better to keep the bill separate from the amendments.



Mr. BACON. I have already had it done in that shape for my own personal convenience, and I find it very convenient to have the bills under the same cover with the amendments. Still, I shall not insist upon it.

Mr. LODGE. It would seem to me to be much more convenient to keep the amendments separate from the bill. We shall all have bills here to follow, of course. Then, if we have the amendments under a separate cover, we can turn to the amendments as they are taken up.

The VICE-PRESIDENT. Will the Senator from Massachusetts kindly restate his request?

Mr. LODGE. I ask that all amendments which have been offered to the railway rate bill may be bound in pamphlet form, a copy for each Senator, in the order of the sections to which they are offered.

The VICE-PRESIDENT. Without objection, it is so ordered. The order was reduced to writing, as follows:

*Ordered*, That there be printed and stitched, in bill form, 200 sets of all the amendments proposed to the bill H. R. 12987, "An act to regulate commerce," etc., the arrangement to be in the order of the sections of the bill, and where the amendments, if any, do not designate the section to which they should be attached they are to be placed at the end.

Mr. ALDRICH. While this matter is before the Senate, I desire to see if I understand the order of the Senate made yesterday. I do not understand that the rule as agreed to prevents the presentation and disposition of amendments between now and Friday, if the Senate so orders or so desires.

Mr. BACON. I scarcely think that that suggestion would be consistent with the consent rule.

Mr. ALDRICH. I tried to state yesterday that my understanding was that amendments may be offered in the meantime. There is an amendment now pending offered by the Senator from Ohio [Mr. FORAKER]. I think that amendment could be disposed of, if the Senate so choose, between now and Friday—in other words, there is a special rule for Friday as to the amendments under a limited time for discussion. I do not know of any reason why, if we have time between now and Friday, we may not be able to dispose of some of the amendments.

Mr. TILLMAN. I thought I gave notice yesterday evening that the bill would be held before the Senate and we would either begin to vote on some amendments or we had to talk on something connected with it.

Mr. ALDRICH. That is my understanding.

Mr. TILLMAN. I expect to stand by that proposition and hope to get a vote on amendments before next Friday. We will certainly have to talk or vote, one or the other.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Massachusetts?

Mr. ALDRICH. Certainly I yield to him for a question. I am simply stating my own understanding of the order and I see that the Senator from South Carolina agrees with me in the interpretation of the order. It seems to me clearly the right of anyone to have an amendment disposed of before Friday. I see no particular reason why we should spend two or three days in debate without a vote. I am anxious to get a vote on the bill. I am not so sure that we can not dispose of the whole bill before Friday.

Mr. LODGE. I had supposed that the purpose of the agreement was to give notice to Senators that the voting on the amendments should begin on Friday.

Mr. ALDRICH. That is to be done under the fifteen-minute rule, and it was distinctly understood.

Mr. LODGE. I stated yesterday that I thought there were two points that it was desirable to determine, when we should begin to vote on the amendments and when we should take the final vote on the bill, and I supposed the unanimous-consent agreement was simply to fix a time at which the voting should begin. Of course, if we should begin voting to-day that notice would be of no value.

Mr. BACON. I do not refer now to the RECORD, but my recollection is in accord with what the Senator from Massachusetts has just stated. The agreement which was reached as to what should begin on Friday was in response to the suggestion made by him that it was important that Senators should know on what date voting on amendments would be in order.

Mr. LODGE. That is my understanding, certainly.

Mr. BACON. It was in response to that suggestion that after considerable colloquy between Senators it was so arranged and so agreed, that on Friday we would take up the bill by sections beginning with the first section and proceed with it under the fifteen-minute rule. If that is not a plain and definite agreement to the effect that it shall not be done before then, I am unable to properly construe language.

Furthermore, we all remember what the Senator from South

Carolina said as to his purpose to require that the debate should continue or a vote should be called for; but when we reached the unanimous-consent agreement it certainly supplanted that previous expression of intention on his part.

Mr. LODGE. Otherwise the agreement is worthless.

Mr. BACON. It is absolutely worthless unless that is the case; and the Senator from South Carolina himself, by agreeing to it necessarily abandoned his preconceived and expressed determination to proceed with the debate, or in the absence of debate to call for a vote.

Mr. TILLMAN. Will the Senator allow me?

Mr. BACON. Certainly.

Mr. TILLMAN. The Senator will recall that four or five suggestions were made yesterday afternoon as to what the form of the agreement should be, and that they were all objected to. Finally I declared that I felt it to be my duty to get the bill before the Senate and keep it there, knowing that under the rule there must be debate or a vote would be had. I tried to get an arrangement for a fixed day, but could not. I was notified by the Senator from Texas, who is absent, that two or three Senators had signified their desire to make blanket speeches and they did not want to be limited by the fifteen-minute rule. Therefore I suggested finally that the fifteen-minute rule should begin its operation on Friday, but I did not feel, and I do not feel now, that there was any implied obligation on my part to prevent a vote on any amendment until Friday.

Mr. LODGE. Mr. President—

Mr. BACON. I will ask, with the Senator's permission, this question—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. I wish merely to call his attention to what occurred in the debate yesterday evening.

Mr. LODGE. It seems to me it is important that all Senators should have due notice of two things—when the final vote is to be taken and when the voting on amendments is to begin. I think there ought to be notice of those two facts.

Mr. TILLMAN. I have tried to get an opportunity to do that.

Mr. LODGE. I know the Senator has. I am entirely agreed with his original proposition.

Mr. TILLMAN. I said I tried three or four times—indeed, I tried half a dozen times to get that arrangement made, but never could succeed.

Mr. ALDRICH. The colloquy to which the Senator alludes took place long before the final arrangement was made and before an objection was entered on the part of the Senator from Alabama [Mr. MORGAN].

Mr. BACON. I beg the Senator's pardon, after the agreement which was made there was no such announced intention on the part of the Senator from South Carolina. On the same page from which the Senator from Massachusetts has just read, after the statement which he has just read, that it was important that Senators should know when the voting on amendments is to begin, the colloquy proceeded, and finally the junior Senator from Texas made this suggestion:

Mr. BAILEY. I believe the Senator from South Carolina can get an agreement that next Friday morning we shall take up this bill, to be read by sections; that as each section is read amendments to that section shall be in order, and that each amendment shall be subject to consideration under the fifteen-minute rule, and when considered shall be disposed of. I believe the Senator can get that.

Mr. FRYE. So do I.

Mr. TILLMAN. I will ask unanimous consent for that.

Therefore this consent was given on the request of the Senator from South Carolina. Then the Secretary read the request:

The VICE-PRESIDENT. The Secretary will report the request of the Senator from South Carolina for unanimous consent.

Mr. TILLMAN. Now, Mr. President—

Mr. BACON. The Senator will pardon me just a moment so I may complete the record.

The Secretary read as follows:

"It is agreed, by unanimous consent, that on Friday, May 4, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill H. R. 12987, the bill to be read by sections for the purpose of amendment, the discussion upon amendments to proceed under the fifteen-minute rule."

Mr. TILLMAN. And amendments to be disposed of when the discussion closes.

The Secretary read as follows:

"The amendments to be disposed of when the discussion thereon is concluded."

The VICE-PRESIDENT. Is there objection?

Then there was colloquy by Messrs. ALLISON, TELLER, MORGAN, and TILLMAN as to the time. Finally the Vice-President asked the question:

Is there objection? The Chair hears none, and it is so ordered.

Now, I want simply to say to the Senator from South Carolina, with his permission, that if instead of an agreement to take up

amendments on that day and vote the agreement had been to take up the bill on that day and vote, certainly the Senator would not contend that in the interim if debate failed the vote could be demanded by him. As to this agreement there was no suggestion by him that it was his purpose to keep the bill before the Senate and call for a vote if debate failed.

Mr. ALDRICH. Will the Senator from Georgia allow me to ask him a question?

Mr. BACON. With pleasure.

Mr. ALDRICH. Does the Senator contend that if debate should be exhausted between now and Friday the Senate would be precluded by this arrangement from taking a vote?

Mr. LODGE. Undoubtedly.

Mr. BACON. Undoubtedly. Otherwise the agreement means nothing. It very frequently happens, as the Senator will certainly recall, that when the Senate has made an agreement to vote on a certain day at a certain hour, debate would cease before that time and other business was taken up to occupy the interval, and the Senate carried out its original unanimous-consent agreement.

Mr. ALDRICH. This is not an agreement to vote on the bill at a certain hour. This is simply an agreement to limit debate with a certain limitation; that is all. It is no agreement to vote at any time, but simply an agreement that debate shall be limited under the fifteen-minute rule.

Mr. BACON. I beg the Senator's pardon.

Mr. ALDRICH. We can vote Friday or any other day on the whole bill and the amendments. I do not see why we should spend three or four days without voting upon amendments.

Mr. TILLMAN. Will the Senator from Georgia let me try to disentangle this matter?

Mr. BACON. With pleasure.

Mr. TILLMAN. I want to say there is no need for looking down the road to meet trouble until it gets here. And now I want to get my skirts clear. I want to renew the request for a day to be fixed when we can get a vote, and if I can get that I will very readily and gladly yield to the Senator's contention as to what he says has been already agreed to, because I do not myself feel that it is altogether just to absent Senators not to give them time to get here and participate in the running debate under the fifteen-minute rule, and also in voting on the amendments.

Now, I renew the request which I made yesterday afternoon, that on Thursday, the 10th, at 2 o'clock, the debate on the bill and on amendments then pending shall be concluded; that we will then take up the bill and vote on it and complete it before we adjourn that night.

Mr. BEVERIDGE. Does the Senator think he should make that request in the absence of the Senator from Alabama [Mr. MORGAN]? The Senator from Alabama objected to that request yesterday, and I observe that he is not in his seat.

Mr. TILLMAN. Then, I withdraw it until the Senator from Alabama comes in. I ask that the bill be laid before the Senate. I understand the Senator from Minnesota [Mr. NELSON] wants to speak upon it, and also the Senator from Virginia [Mr. DANIEL].

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent—

Mr. PENROSE. I understand that the morning business is not over.

Mr. TILLMAN. I will yield to the Senator from Pennsylvania to introduce a bill.

[The bills introduced by Mr. PENROSE appear under their appropriate heading.]

Mr. BEVERIDGE subsequently said: I wish to ask a question of the Senator from South Carolina or the Chair, and that is whether the question which was under discussion as to whether there could be a vote before the day named in the unanimous-consent agreement has been determined?

Mr. TILLMAN. It has not. It just dropped out of sight for the moment.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On April 26:

- S. 306. An act granting a pension to Cassy Cottrill;
- S. 1203. An act granting a pension to Albert B. Lawrence;
- S. 1354. An act granting a pension to Lydia Jones;
- S. 1376. An act granting a pension to Adam Werner;
- S. 1407. An act granting a pension to John McCaughen;
- S. 1614. An act granting a pension to Kate E. Young;
- S. 2115. An act granting a pension to Carrie E. Costinett;
- S. 2832. An act granting a pension to Susan Pennington;

- S. 3303. An act granting a pension to Harriett B. Summers;
- S. 3817. An act granting a pension to Margaret Lewis;
- S. 97. An act granting an increase of pension to Thomas F. Carey;
- S. 98. An act granting an increase of pension to Doris F. Clegg;
- S. 230. An act granting an increase of pension to Alfred Woodin;
- S. 249. An act granting an increase of pension to Alfred F. Sears;
- S. 337. An act granting an increase of pension to Lydia Ann Jones;
- S. 450. An act granting an increase of pension to James Flynn;
- S. 487. An act granting an increase of pension to William Sprouse;
- S. 518. An act granting an increase of pension to William T. Godwin;
- S. 520. An act granting an increase of pension to William D. Johnson;
- S. 524. An act granting an increase of pension to Lestina M. Gifford;
- S. 558. An act granting an increase of pension to Abijah Chamberlain;
- S. 563. An act granting an increase of pension to Thomas Martin;
- S. 657. An act granting an increase of pension to Mary J. Reynolds;
- S. 674. An act granting an increase of pension to Thomas A. Agur;
- S. 829. An act granting an increase of pension to James Gannon;
- S. 835. An act granting an increase of pension to John W. Scott;
- S. 914. An act granting an increase of pension to Edwin R. Hardy;
- S. 920. An act granting an increase of pension to Abraham S. Brown;
- S. 975. An act granting an increase of pension to James Shaffer;
- S. 1012. An act granting an increase of pension to Samuel H. Foster;
- S. 1105. An act granting an increase of pension to Harriet Williams;
- S. 1162. An act granting an increase of pension to Nelson Cook;
- S. 1165. An act granting an increase of pension to James Moss;
- S. 1302. An act granting an increase of pension to William A. Murray;
- S. 1338. An act granting an increase of pension to Thomas Claiborne;
- S. 1349. An act granting an increase of pension to Daniel C. Earle;
- S. 1352. An act granting an increase of pension to Michael Scannell;
- S. 1377. An act granting an increase of pension to John R. Brown;
- S. 1398. An act granting an increase of pension to Edmund Morgan;
- S. 1406. An act granting an increase of pension to Moses Hill;
- S. 1415. An act granting an increase of pension to Alexander Esler;
- S. 1434. An act granting an increase of pension to Samuel Derry;
- S. 1435. An act granting an increase of pension to Lewellen T. Davis;
- S. 1667. An act granting an increase of pension to John A. Stockwell, alias John Stockwell;
- S. 1733. An act granting an increase of pension to George W. Trice;
- S. 1884. An act granting an increase of pension to Frederic W. Swift;
- S. 1910. An act granting an increase of pension to Theodore McClellan;
- S. 1919. An act granting an increase of pension to Louise M. Wynkoop;
- S. 1952. An act granting an increase of pension to Jesse Alderman;
- S. 1953. An act granting an increase of pension to Charles M. Benson;
- S. 1962. An act granting an increase of pension to Julia Baldwin;
- S. 2033. An act granting an increase of pension to David Tremble;



- S. 2050. An act granting an increase of pension to Jotham T. Moulton;
- S. 2077. An act granting an increase of pension to Alice A. Arms;
- S. 2094. An act granting an increase of pension to Rodney W. Torrey;
- S. 2102. An act granting an increase of pension to George W. Lucas;
- S. 2287. An act granting an increase of pension to James V. Pope;
- S. 2378. An act granting an increase of pension to Maria Leuckart;
- S. 2507. An act granting an increase of pension to William Wheeler;
- S. 2540. An act granting an increase of pension to Benjamin S. Miller;
- S. 2549. An act granting an increase of pension to George W. Boyles;
- S. 2552. An act granting an increase of pension to Louise J. D. Leland;
- S. 2568. An act granting an increase of pension to Noah C. Fowler;
- S. 2574. An act granting an increase of pension to Parker Pritchard;
- S. 2575. An act granting an increase of pension to Thomas W. Vaughn;
- S. 2577. An act granting an increase of pension to Francis M. Lynch;
- S. 2638. An act granting an increase of pension to Thomas B. Whaley;
- S. 2667. An act granting an increase of pension to Benjamin W. Valentine;
- S. 2670. An act granting an increase of pension to Marie J. Spicely;
- S. 2689. An act granting an increase of pension to Alonzo M. Bartlett;
- S. 2725. An act granting an increase of pension to John Mather;
- S. 2733. An act granting an increase of pension to Charles Crismon;
- S. 2736. An act granting an increase of pension to James Williams;
- S. 2745. An act granting an increase of pension to Zerelda N. McCoy;
- S. 2772. An act granting an increase of pension to Charles H. Niles;
- S. 2790. An act granting an increase of pension to William J. Millett;
- S. 2795. An act granting an increase of pension to John Albert;
- S. 2952. An act granting an increase of pension to William A. Gipson;
- S. 2953. An act granting an increase of pension to Mary L. Burr;
- S. 2970. An act granting an increase of pension to Thomas E. Keith;
- S. 2973. An act granting an increase of pension to Minard Van Patten;
- S. 3024. An act granting an increase of pension to David S. Trumbo;
- S. 3035. An act granting an increase of pension to Charles W. Shedd;
- S. 3112. An act granting an increase of pension to James H. Gardner;
- S. 3182. An act granting an increase of pension to Walter Lynn;
- S. 3222. An act granting an increase of pension to Henry Golder;
- S. 3232. An act granting an increase of pension to Mary Jane Schnure;
- S. 3252. An act granting an increase of pension to David F. Crampton;
- S. 3254. An act granting an increase of pension to Anna Frances Hall;
- S. 3257. An act granting an increase of pension to Walter Green;
- S. 3284. An act granting an increase of pension to Charles B. Fox;
- S. 3296. An act granting an increase of pension to Patrick Burk;
- S. 3297. An act granting an increase of pension to George Conklin;
- S. 3298. An act granting an increase of pension to John B. Ashelman;
- S. 3300. An act granting an increase of pension to Lorenzo D. Huntley;
- S. 3419. An act granting an increase of pension to Joseph H. Beale;
- S. 3465. An act granting an increase of pension to John T. Vincent;
- S. 3484. An act granting an increase of pension to Jacob A. Field;
- S. 3493. An act granting an increase of pension to Thomas Reed;
- S. 3520. An act granting an increase of pension to Ada A. Thompson;
- S. 3524. An act granting an increase of pension to John N. Henry;
- S. 3525. An act granting an increase of pension to Robert G. Harrison;
- S. 3532. An act granting an increase of pension to Anna K. Carpenter;
- S. 3566. An act granting an increase of pension to John Carpenter;
- S. 3584. An act granting an increase of pension to Peter Quermbeck;
- S. 3598. An act granting an increase of pension to Charles D. Brown;
- S. 3618. An act granting an increase of pension to Martha E. Wardlaw;
- S. 3641. An act granting an increase of pension to William P. Marshall;
- S. 3653. An act granting an increase of pension to Francis J. Keffner;
- S. 3676. An act granting an increase of pension to James M. McCorkle;
- S. 3811. An act granting an increase of pension to Ephraim Winters;
- S. 3812. An act granting an increase of pension to Truman R. Stinehour;
- S. 3819. An act granting an increase of pension to William H. Houston;
- S. 3821. An act granting an increase of pension to Henry Wilhelm;
- S. 3834. An act granting an increase of pension to Robert McCally;
- S. 3835. An act granting an increase of pension to Luther M. Royal; and
- S. 3839. An act granting an increase of pension to John T. Brothers.
- On April 27:
- S. 1248. An act granting a pension to Elizabeth B. Bean;
- S. 4146. An act granting a pension to John W. Hall;
- S. 4309. An act granting a pension to Adele Jeanette Hughes;
- S. 4386. An act granting a pension to George Thomas;
- S. 4473. An act granting a pension to Hannah C. Peterson;
- S. 4548. An act granting a pension to Hannah E. Wilmer;
- S. 4826. An act granting a pension to Sarah Agnes Earl;
- S. 1308. An act granting an increase of pension to Emille Grace Reich;
- S. 3843. An act granting an increase of pension to Rollin T. Waller;
- S. 3893. An act granting an increase of pension to David C. Howard;
- S. 3984. An act granting an increase of pension to Sarah E. Yockey;
- S. 3985. An act granting an increase of pension to Matilda E. Nattinger;
- S. 3987. An act granting an increase of pension to Samuel H. Hancock;
- S. 3996. An act granting an increase of pension to David Morehart;
- S. 4088. An act granting an increase of pension to Charles E. Chapman;
- S. 4102. An act granting an increase of pension to John A. Broadwell;
- S. 4106. An act granting an increase of pension to Katherine Wills;
- S. 4110. An act granting an increase of pension to Absalom Wilcox;
- S. 4124. An act granting an increase of pension to Alden Fuller;
- S. 4180. An act granting an increase of pension to William C. Quigley;
- S. 4186. An act granting an increase of pension to Samuel G. Roberts;
- S. 4228. An act granting an increase of pension to Joel S. Weiser;

S. 4233. An act granting an increase of pension to Edward M. Barnes;  
 S. 4247. An act granting an increase of pension to Carrick Rutherford;  
 S. 4258. An act granting an increase of pension to James F. Hackney;  
 S. 4279. An act granting an increase of pension to Fannie E. Malone;  
 S. 4288. An act granting an increase of pension to William E. Anderson;  
 S. 4301. An act granting an increase of pension to Louisa Arnold;  
 S. 4315. An act granting an increase of pension to Elizabeth A. Vose;  
 S. 4324. An act granting an increase of pension to James H. Noble;  
 S. 4325. An act granting an increase of pension to Jabez Miller;  
 S. 4360. An act granting an increase of pension to John P. Dunn;  
 S. 4409. An act granting an increase of pension to James W. Linnahan;  
 S. 4424. An act granting an increase of pension to Nettie E. Tolles;  
 S. 4432. An act granting an increase of pension to James Dreury;  
 S. 4440. An act granting an increase of pension to Joseph Kauffman;  
 S. 4520. An act granting an increase of pension to Albert L. Callaway;  
 S. 4541. An act granting an increase of pension to Benson H. Bowman;  
 S. 4551. An act granting an increase of pension to John F. White;  
 S. 4556. An act granting an increase of pension to William Jandro;  
 S. 4557. An act granting an increase of pension to John R. McCrillis;  
 S. 4606. An act granting an increase of pension to Kate Gilmore;  
 S. 4612. An act granting an increase of pension to Jesse A. Thomas;  
 S. 4622. An act granting an increase of pension to Isaiah McDaniel;  
 S. 4650. An act granting an increase of pension to Thomas McDonald;  
 S. 4675. An act granting an increase of pension to Fannie P. Norton;  
 S. 4683. An act granting an increase of pension to William McCann;  
 S. 4689. An act granting an increase of pension to John Brown;  
 S. 4691. An act granting an increase of pension to Aaron J. Burget;  
 S. 4717. An act granting an increase of pension to Ellen A. Gibbon;  
 S. 4775. An act granting an increase of pension to Thomas A. Maulsby;  
 S. 4785. An act granting an increase of pension to Nehemiah M. Brundage;  
 S. 4786. An act granting an increase of pension to George W. Coughanour;  
 S. 4797. An act granting an increase of pension to Jacob Franz;  
 S. 4817. An act granting an increase of pension to Delight A. Allen;  
 S. 4834. An act granting an increase of pension to Octave Counter;  
 S. 4877. An act granting an increase of pension to Amanda O. Webber;  
 S. 4917. An act granting an increase of pension to Alfred B. Chilcote;  
 S. 4972. An act granting an increase of pension to Sarah E. Hull;  
 S. 4986. An act granting an increase of pension to Alfred Beham;  
 S. 5016. An act granting an increase of pension to Charles G. Polk;  
 S. 5074. An act granting an increase of pension to James I. Mettler;  
 S. 5079. An act granting an increase of pension to Andrew J. Hunter;  
 S. 5121. An act granting an increase of pension to James H. Haman;

S. 5172. An act granting an increase of pension to John M. De Puy;  
 S. 5244. An act granting an increase of pension to Horace A. Gregory;  
 S. 5287. An act granting an increase of pension to John M. Prentiss;  
 S. 5323. An act granting an increase of pension to Newton G. Cook;  
 S. 5324. An act granting an increase of pension to Peter Sloggy; and  
 S. 5520. An act to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905.

## DISBURSING OFFICERS' CHECKS.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (S. 5811) to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906, to report it favorably without amendment. The bill is to correct an error in a bill which passed both Houses a few days since and became a law. It is sent here from the Treasury Department. It is in regard to issuing duplicate checks in case of lost checks, and it is important that it should be passed immediately, in view of certain complications at the Treasury Department which have grown out of the passage of the former bill. I ask unanimous consent that it may be considered.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906, by striking out the words "check or warrant" wherever the words appear in the amended act, and by substituting in lieu thereof the words "disbursing officer's check."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## HOUSE BILL REFERRED.

H. R. 15334. An act to authorize the construction of dams and power stations on the Coosa River at Lock 2, Alabama, was read twice by its title, and referred to the Committee on Commerce.

## THANKS OF CONGRESS TO GEN. HORACE PORTER.

H. J. Res. 149. Joint resolution extending the thanks of Congress to Gen. Horace Porter was read the first time by its title.

Mr. LODGE. I ask for the present consideration of the joint resolution.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution was read the second time at length, as follows:

*Resolved, etc.,* That the thanks of the people of the United States are justly due and are hereby tendered to Gen. Horace Porter, late ambassador to France, for his disinterested and patriotic services in conducting, upon his own initiative and at his own expense, a series of researches and excavations extending over a period of six years and resulting in the recovery of the body of Admiral John Paul Jones from a forgotten grave in a foreign land and its return to the country which he had loved so well and so heroically served.

*Resolved,* That General Porter be requested to furnish Congress a copy of his remarks at the exercises at Annapolis, April 26, 1906, and that, when received, said remarks be printed in the Record.

Mr. ALDRICH. Does the joint resolution come from any committee?

Mr. LODGE. It has just come from the House. It is a resolution of thanks and passed the House without reference to a committee.

Mr. ALDRICH. I suggest that it be referred to the Committee on Foreign Relations.

Mr. LODGE. It does not seem to me worth while to be so particular when you are trying to be courteous. But still, if the Senator insists—

Mr. BACON. I hope the Senator from Rhode Island will not insist on a reference. Much of the value of this measure as a compliment depends upon the cordiality and freedom from anything like hesitation with which it is extended. I am sure there will not be a Senator on that committee or in this Chamber who would not cordially give his support to the joint resolution.

Mr. ALDRICH. I am not objecting to it or suggesting the reference with an idea of being discourteous to General Porter.

Mr. BACON. Not at all. I have not suggested that.



Mr. ALDRICH. But we are establishing what seems to me is rather a dangerous precedent. If every man who does a good thing for the country in a diplomatic capacity is to receive the thanks of Congress, I would say that it might become quite an abuse. If that is to be the custom to be established here, I should regret it very much. I say that very frankly.

Mr. BACON. We should all agree to that.

Mr. ALDRICH. The thanks of Congress have been extended in the past to great generals and to great admirals, so that it has been really a distinction worth having.

Mr. LODGE. The thanks of Congress have also been extended to great inventors.

Mr. ALDRICH. Yes; to great inventors in one or two cases long ago. If we are to recognize every duty performed in a manly way by every officer of the United States in a diplomatic capacity by extending to him the thanks of Congress, and if it is to be thought ungenerous or discourteous to suggest that resolutions for that purpose be referred to a committee, then I think I shall have to assume the position of being discourteous about it, because I think it would be establishing a very dangerous precedent, which we ought not to establish.

Mr. BACON. Mr. President, there has been no suggestion of discourtesy.

Mr. ALDRICH. Such action simply cheapens the thanks of Congress to the extent to which I am unwilling to go.

Mr. BACON. Mr. President, I do not think that extending the thanks of Congress in this instance would in any degree cheapen that recognition of worthy conduct. The Senator from Rhode Island, I think, need be under no such apprehension. There has been nothing in the past to indicate any disposition on the part of Congress to extend this very high compliment to any except those who most richly merit it.

I am surprised that there should be a suggestion that this service is of such an ordinary character that to extend this recognition to it would cheapen that compliment when such recognition shall hereafter be bestowed upon others. It is not correct, Mr. President, to state that this is simply a duty performed by an ambassador. This was entirely outside of his ambassadorial functions or outside of any duty devolved upon him as an ambassador. It was a duty undertaken by him, it is true, when he had the advantage of official position, which gave him opportunities a private citizen might not have enjoyed; but it is none the less to his credit that, moved by the highest impulse of patriotism, he undertook this most worthy work and persevered in it under circumstances which would have discouraged almost any other man; that he not only did so through a period of years, but that he did it at his own expense, and absolutely, when there was an offer to return him the money, he declined to receive it. This most valuable result, one which appeals to the patriotism of every man and every woman and every child in the land, is one which richly merits recognition on the part of Congress.

The only suggestion I made to the Senator was, not that there was any discourtesy, but that, in a matter which must, I presume, command the support of every Senator, it was something of value that the compliment be extended in a way that there should not be attached to it the slightest manifestation of hesitation on the part of the Senate of the United States.

I seriously regret that the Senator from Rhode Island takes the view of it that he does, because it would be to me personally and as a Senator a most gratifying thing that I could join in this expression of very high appreciation on the part of the American Republic of this most notable performance by this most worthy representative of the Government at the court of France.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution which has been read?

Mr. CULLOM. Allow me to say a word, Mr. President.

I do not understand whether the Senator from Rhode Island [Mr. ALDRICH] has withdrawn his motion to refer.

Mr. ALDRICH. I have not yet done so.

Mr. CULLOM. I hope the Senator will do so. If he does not, however, I desire that the joint resolution shall be referred without any long discussion in reference to it. It seems to me it would be much better to either pass the joint resolution without discussion or to refer it, and let it be reported back in some shape by the committee. Either one of those two things should be done without delay.

Mr. LODGE. Mr. President, when I made the request for unanimous consent, I confess it never occurred to me that it was a matter as to which there would be the slightest objection. I wish to say one word in explanation.

The joint resolution was introduced in the House of Representatives and passed there without reference to a committee, as I understand. It came over to us in that way, without going

through the usual form. The service General Porter performed was not an official service. It was entirely apart from that; it was a personal service. It seems to me if Congress is going to extend the compliment of thanks—and the thanks of Congress are a very high compliment indeed—this is the only manner in which we can recognize what General Porter has done. It only seemed to me that if we were going to do it and wanted to do it, we should do it in the most generous and gracious manner possible. I had no thought that anybody would make the slightest objection, or I should not have made the request. To have discussion over it seems to me very unfortunate.

Mr. TELLER. Mr. President, I myself do not think that there is any impropriety in referring the joint resolution to a committee. I do not think such a reference would in the slightest degree detract from the importance and the value of the compliment. There have been very few men in the history of this country who have had such an honor conferred upon them; and if it is done with deliberation, as it will be if the joint resolution goes to a committee and is reported to the Senate, it certainly can not detract from the value of our action.

I think, as a matter of propriety, all resolutions of this character should go to a committee. I can understand very readily that in times of excitement a resolution of this kind might be introduced and passed through one body or the other, without there being proper ground for it. Of course this is a case in which there is not any controversy; and, therefore, I think it affords a good opportunity for us to establish a rule, and to stand by it in the future, that we will not confer such an honor upon anybody in a mere perfunctory manner or in haste. I think no Senator should object to the joint resolution going to a committee, and the committee then reporting it in proper form.

Mr. LODGE. Mr. President, of course one objection carries the joint resolution to a committee; but I withdraw the request for unanimous consent, and regret extremely that discussion should have taken place upon it.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

#### CONGRESSIONAL AID FOR CALIFORNIA SUFFERERS.

Mr. TILLMAN. Mr. President—

Mr. GALLINGER. I ask the Senator from South Carolina to yield to me for a moment.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. I do.

Mr. GALLINGER. Mr. President, at a meeting of the Committee on Appropriations a few days ago, the Senator from South Carolina [Mr. TILLMAN] called attention to the fact that in certain newspapers in the country it had been stated that of the \$2,500,000 appropriated by Congress for the relief of the people of San Francisco, only \$300,000 was available. It occurred to me at the time that the people would understand the matter and that there would be no danger of an impression getting into the minds of the public that the money appropriated so generously by Congress had not been properly expended. Since that time I have noticed in two of the great newspapers of New England, as well as in some newspapers published in other parts of the country, large headlines repeating the statement that only \$300,000 of the two million and a half was available for the relief of the people of that stricken city.

Mr. President, we all know that every dollar of that money has been or will be properly expended; but for the purpose of correcting what I think is an impression that has gained credence to a very considerable extent in the country, I should like to have the distinguished chairman of the Committee on Appropriations [Mr. ALLISON] state to the Senate and the country precisely what disposition has been made of that money.

Mr. ALLISON. Mr. President, by the terms of the joint resolutions the two appropriations made by Congress for the benefit of the sufferers at San Francisco were to be expended by the Secretary of War. It is well known to Senators that when this great calamity occurred the Secretary of War immediately, without legislation, proceeded to transfer to San Francisco all the available means of the War Department, including quartermaster stores, tents, bedding, blankets, and everything that was available within five hundred or a thousand miles of San Francisco. He took that responsibility, believing that Congress would reimburse the War Department for that expenditure. Within a day or two the joint resolution appropriating \$1,000,000 passed; but at the time of the passage of that joint resolution the War Department had already forwarded commissary, quartermaster, medical stores, etc., in excess of the appropriation, amounting, I believe, to \$1,200,000 or perhaps \$1,300,000. I have not the details before me. So another million and a half dollars was asked for a like purpose. That amount was promptly appropriated by Congress.

This calamity occurred in the very last quarter of the fiscal year, when the appropriations for medical and commissary stores, transportation, etc., are nearly all expended. Therefore it became necessary for the maintenance of our Army that these expenditures made for the supplies and stores of the Army should be refunded, so that the second appropriation, providing that the expenditures already made and to be incurred should be reimbursed to the funds of the Quartermaster, Commissary, and Medical Corps of the Army. That evidently meant that the two and a half million dollars were to be expended for the benefit of the stricken people of San Francisco. But when that money was expended out of stores already in existence, pro tanto those stores were to be returned, in order that the Army itself might be enabled to live between now and the 1st of July. I understand there is now left about a half million dollars of those funds.

There ought not to be any doubt in the country on this subject, and I hope there will not be, as I am quite sure, if further money is needed, it will be promptly appropriated by Congress.

Mr. TILLMAN. Before the Senator takes his seat, I wish to say that I am glad that this explanation has been made, because the Senator will recall the fact that I directed attention to it in the Committee on Appropriations yesterday, when I suggested that the country did not understand it and that some explanation ought to be made regarding it. I have been told, and the Senator has just told the Senate, that this two and a half million dollars has been mainly used to replace the supplies which the War Department of its own volition and on its own motion had already forwarded to San Francisco before Congress made the appropriation and that, therefore, in buying the Government supplies to replace those which had been sent to San Francisco they had to take this money.

I should like to ask the Senator now if his information from the War Department is to the effect that any of this money will go for tents or things like that? For instance, I presume that this Government is ready to loan, or to give, if need be, tents to the sufferers of one kind and another from Mississippi floods, etc., its supplies of that kind free of cost, and I want to know of the Senator whether any of this money will be used to buy back for the Government the tents which have been sent to San Francisco for temporary use by the people there?

Mr. ALLISON. Mr. President, as respects the special article of tents, I have not any information as to what particular disposition has been made of them.

Mr. GALLINGER. They will probably be returned.

Mr. ALLISON. Yes; eventually they will probably be returned, though perhaps they will not be returned for some time.

Mr. TILLMAN. I was not speaking about the return. I was speaking of whether any of the money will be used to purchase new tents to supply the deficit created by the lending of those tents.

Mr. ALLISON. I say again I can not answer that question; but that is mere leather and prunella, aside from the great expenditures that have been made. The tents will cost \$100,000 or \$150,000.

Mr. TILLMAN. I was just going to remark—

Mr. ALLISON. I want to say to the Senator, although I am sure he knows it himself, that every dollar of this money will be accounted for in detail as respects—

Mr. TILLMAN. I have not the slightest idea to the contrary.

Mr. ALLISON. As respects the expenditures and also the disbursements.

Mr. TILLMAN. I have never had any suspicion to the contrary. I was merely trying to have an explanation made to the country as to why there was an apparent misappropriation or misuse of this money.

Mr. ALLISON. It ought to be said that the city of San Francisco and the surrounding towns will receive directly and indirectly every dollar of this expenditure. It is an absolute gift in this calamity to the stricken people who have suffered such great loss. The War Department will be reimbursed, so far as practicable, from the stores which they have taken there and which are already in use or will soon be in process of use.

Mr. TILLMAN. I was merely trying to make clear my own opinion that, if any of this money had been used to reimburse the War Department for tents and things of that character, we ought to instruct the officers of the Government to the contrary; and let them know that we want the sufferers to use our tents—at least I do—and, if necessary, to wear them out and never return them. Let us make it plain that we ought not to take the two and a half million dollars to replace the tents we have loaned.

Mr. PERKINS. I desire, Mr. President, to supplement what the chairman of the Committee on Appropriations [Mr. ALLI-

son] has said, and perhaps my explanation will satisfy my friend from South Carolina [Mr. TILLMAN]. Immediately after the wires had flashed the news across the continent of the great calamity that had befallen San Francisco and other cities in California, I placed myself in communication with the Secretary of War. Congress had then taken no action whatever in relation to the matter, neither House being then in session. The Secretary of War said, "Anything in my control, although not authorized by law to do so, shall be placed at the disposal of the distressed and homeless people of San Francisco." At that time my information was that 150,000 people were homeless, destitute, and without food.

I want to say in passing that the Secretary of War, the Commissary-General, the Quartermaster-General, the Military Secretary, and, indeed, all other officers of the Government in the War Department, as well as in the Navy and other Departments, vied with each other to do all they could to relieve the distress of those people. The Secretary of War remained in his office during the Sabbath day, giving his personal attention to matters of relief and directing, inditing, and dictating telegrams and other communications to the general in command in San Francisco and other officers of the Government.

I have, however, seen it stated in the newspapers referred to by the Senator from New Hampshire [Mr. GALLINGER] that part of the money appropriated by Congress has not been directed in the channels in which it was intended by Congress to go. Therefore this morning I placed myself in communication with Major-General Ainsworth, the Military Secretary, and, after consultation with the Secretary of War relative to the matter, the Secretary of War decided to send a communication to the chairman of the relief committee in San Francisco, ex-Mayor James D. Phelan. I have a copy of that dispatch, Mr. President, and I will ask the permission of the Senate that the Secretary may read it. It explains the full situation and the status of the appropriations made by Congress for the relief of the people of California.

I merely wish to add that the magnificent generosity not only of Congress, but of the people throughout our country, has excited the admiration and gratitude of the people of California, as well as of others who have an interest in and love for their fellow-beings.

I now ask that the Secretary read the communication of the Secretary of War. I think it will explain the situation fully and to the satisfaction of my friend from South Carolina.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

WASHINGTON, D. C., May 1, 1906.

JAMES D. PHELAN,

Chairman of Relief Committee and Red Cross, San Francisco:

You and your committee evidently misconceive the nature and legal limitations of the Congressional aid and do not understand the facts. Instantly on receipt of General Funston's telegram of the extent of the disaster and the pressing need of food and shelter for more than 100,000 people, although I was without lawful authority to do so, I ordered sent to San Francisco rations costing \$200,000; tentage, blankets, cots, and bedding costing more than a million dollars, and medical stores costing \$150,000 to be used and distributed for the relief of the sufferers.

The transportation of these supplies cost more than \$150,000. I made this order anticipating that Congress would ratify my action. Congress did so by joint resolution authorizing me to furnish subsistence, quartermaster, and medical stores for relief of the sufferers and appropriated a million dollars for these purposes to be used in my discretion. The President then advised Congress that expenses had already been incurred for these purposes aggregating one million and a half of dollars and recommended the appropriation of one million and a half more, or two millions and a half in all. Congress thereupon increased the appropriation to two millions and a half in all and authorized me to use this amount not only for subsistence, quartermaster, and medical stores, but also for the transportation of troops. On the recommendation of General Greely and Mayor Schmitz I ordered twenty-five hundred more troops to San Francisco, which, with previous transportation for same purpose, involves an expense of \$250,000. There is left available of the appropriation, therefore, not to exceed \$700,000, which under the law can only be expended for rations, quartermaster and medical supplies, and transportation of troops, and which can only be expended through the lawful agents of the War Department, to wit, the bonded officers of the subsistence, quartermaster, and medical bureaus under my direction. I have no power or legal authority to turn over the money appropriated by Congress to your committee to be expended by you or to expend it for any but the specific purposes stated in the Congressional resolutions. Should you think that the supply of rations or quartermaster stores or medical supplies ought to be increased, I shall be glad to direct the purchase and forwarding of them to the proper Army officers in San Francisco for distribution, but I can not order the payment of money out of the Treasury of the United States to your committee for any purpose. My discretion is to be exercised only as to the amounts to be expended for the specific purposes mentioned in the Congressional resolutions and is thus limited by law. As president of the Red Cross Society, I have already directed the remittance to you by telegram of \$300,000 out of the funds of that society and am prepared to order the remittance of more as you shall need it.

It will aid us in taking proper action if you will advise me of the amount of money you have on hand and in general the purposes for



which you need more. I infer from your telegrams that you now have on hand food supplies, tentage, blankets, and clothing enough for present needs.

WM. H. TAFT,  
Secretary of War and President of Red Cross.

#### REGULATION OF RAILROAD RATES.

Mr. GALLINGER. Regular order, Mr. President.

Mr. TILLMAN. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. LODGE. Will the Senator from South Carolina allow me to make a request?

Mr. TILLMAN. Certainly.

Mr. LODGE. I ask that an additional print may be had of all the amendments offered to the railroad rate bill. There are not enough to make the sets that were ordered this morning for the use of the Senate.

The VICE-PRESIDENT. The Senator from Massachusetts asks that additional copies of the amendments pending to the railroad rate bill be printed. Is there objection? The Chair hears none, and that order is made.

Mr. DANIEL. Mr. President, the Senate confronts the greatest economic problem of this age, and, I may add, of any age. As the railroad system of the United States is the mightiest framework of commercial organization that the world has ever known, so it presents problems more diverse, more interesting, and more practical than ever have before challenged the mind of man. More complex and not less important than the tariff, these problems exact patience and conjure the highest faculties of research and understanding. However simple they may seem to the casual onlooker or auditor, to those who have studied them they grow in reach and width and depth and complication with every progressive step of inquiry, and the honest mind that seeks to compass them must be profoundly impressed, if not overweighed, by the limitations of knowledge and by the perplexities of irregular conditions and countervailing influences—geographical, financial, social, political, juridical, and economic.

#### A NEW PROBLEM.

This problem is unlike either the currency or the tariff, in the fact that it is a new problem. The currency and the tariff are old customers. Like the poor, they have been with us, and they will be with us always. This is a new face at the Congressional door, a young stranger, I may say, knocking for admission, and surely coming in, whether one political party or another says "not in" to the knocker. It is a child of the nineteenth century, and it is one of its rapid and gigantic growths. No one could or did forecast the destiny of this child when it was born and lay in its crude cradle. No one discerned the signs of royalty on its infantile brow. We know now that it was an infant Hercules; Hercules has grown to full stature and wields a club as big as many big sticks, pitchforks, and muck rakes bound together like the Roman fasces. Hercules is rich, too, and of near kin to Midas; so rich that in comparison Croesus and Monte Cristo are faded specters and Plutus has his rival.

Transportation between the States and foreign nations and the regulation thereof—that is the broad significance of this problem.

It divides itself naturally into the discussion of law and the discussion of facts. We must consider the law first, and must then seek to apply and adjust it to the facts, for here, so to speak, we are in a sense judges and also jurors, and must determine both the law and the facts in so far as they enter into our consideration.

#### THE SCIENCE OF MOVEMENT.

This problem of transportation is a fundamental problem of the human race. Edward Atkinson has an expression on this subject that arrested my attention when I first saw it. It is a sententious utterance: "Man can create nothing; he can only move something." Out of this window of thought flashes a great light. Man can not even create so much as a mote that floats in the air. His mission is movement—movement of himself, movement of others, movement of thought, and movement of things of matter which do unto him pertain.

Things of the vegetable creation can not move themselves. A tree stays where it takes root, and there may remain while generations and centuries pass by. The grass withereth where it springs in fixed localities; but the winds bear the seeds of the tree and the plant hither and thither as they listeth, and fruits grow where the autonomy of natural forces plants them.

Animated creatures were created to move themselves, some

over the earth, some in the waters under the earth, some in the air above the earth. But man, by the contrivances of nature and of his creative genius, moves everywhere, over land and over sea, and he penetrates even the kingdom of the air with his tentative designs and contemplations, which give omen and partial assurance of his yet undeveloped powers and foretoken his achievements in regions just dawning within the range of his ambitious thought.

#### THE SHIP AND THE ROAD.

Man not only moves his own body by the exercise of its limbs, but also by the subjection of the creatures of the land to his uses. The camel, the ox, the horse, the ass bear him and his burdens as he ordains. Turning the woods of the forest into the implements of convenience, he makes the ocean, the lake, the river the common highway of his movements, and turning them, too, into appliances for the land, he hardens those appliances with metal taken from the mines and wheels over its surface. To his vehicle he sometimes attaches his fellows, sometimes a four-footed captive of the animal kingdom, and whatever force he collects he appropriates to his own use and purposes.

The ship and the road—these have been the greatest of all the instrumentalities of man for the convenience and development of his own movements. The great nations have been those who recognize and who perfect the utility of their uses. Behold a nation that has ships in plenty and good roads, and you will behold a nation that has seized time by the forelock and taken methods of advancement by the right handle. It is the science of movement that we are to consider in our interstate relations, and the time is ripe for action.

#### DELAY IN DEALING WITH THE SUBJECT.

Prof. Arthur T. Hadley, instructor in political economy at Yale and commissioner of labor statistics of Connecticut, is a man of learning and of weight. No one who has read his book on railroad transportation is likely to attribute to him the disposition of the iconoclast. I commend the things which he says which go to explain why Congress did not earlier take up this subject.

In 1860 a storm burst in this country, a storm that had collected through many centuries, and lay at the deep root of long conditions of human affairs. At that time an American citizen eligible to the Senate—that is, 30 years old—was just about the age of our then railroad system, for on the Fourth of July, 1828, Charles Carroll of Carrollton laid the first rail of the Baltimore and Ohio Railroad. He was the last signer of the Declaration of Independence, and his passing from the scene in the third decade of the nineteenth century marked the beginning of the new era of transportation. But while this new era was dawning, clouds were also gathering over the people of this country. Their thoughts were so surcharged with present things that their concentration on things economical was in a degree diverted. But the earlier railroad movements of this country, Mr. President, were initiated by the States and not by the Federal Government, and it is natural that the States should have matured systems of public control earlier than the Federal Government has done so. Now, the railroad system has grown and overspread the country ere we have undertaken in any comprehensive way to regulate it.

#### A NATIONAL AND WORLD-WIDE PROBLEM.

This question has important local aspects; but it is not a local, but a wide, embracing subject in the phases which it presents to us, although it involves the fortunes of many localities and of many persons. It is not a State problem in the immediate view of this bill, though the fact underlies it that the States compose the nation, and that they possess connecting problems of their own which come to a focus in the central national power. It is preeminently, however, a national problem—one that concerns the whole people of the United States, both in the aggregate and in the severalties of their communal and individual parts.

But more than this, it is not only as broad as the country; it stretches beyond the ocean, through the necessities, through the vehicles, through the contacts, through the exchanges, the reciprocities and the affinities of trade and commerce, and its lines in verity run out to the uttermost parts of the earth.

Antedating the railroad system of the world lie six thousand years of history and the countless ages of prehistoric times. Before the steam engine was invented and before the iron rail was laid, civilization had overspread the earth in the older continents and had appeared and made wonderful advancement in our own country. Great cities had been builded. Immense ports and harbors had been constructed. Ships had circumnavigated the globe, and nations had risen and fallen. Peoples and languages had come and gone, and great masses of capital in

money and other properties had been invested in many of the perfected works and establishments of man.

#### DISTURBING AND IMPEDING ELEMENTS IN THE PROBLEMS PRESENTED.

When a new system was thus interjected into and made to overlay an old one, it is obvious that disturbing factors would immediately present themselves to the harmony and to the equitable conduct of it according to idealistic views. I will point out briefly ere I discuss the question some of these disturbing factors which reveal themselves as soon as one undertakes to solve any of the given problems which are presented to us, any one of which it would take a master mind to discuss thoroughly, and a long essay to explain to other minds.

Some of these disturbing factors may in some degree be of a permanent nature. They are certainly of an existent nature. They must be noted and they must be weighed by every fair mind that seeks to understand the causations of rates which do not take the distance traversed in the transportation of passengers and freight as a standard of the principle of price for carriage. Some of them are these: First, the distant and established markets of foreign nations—Liverpool, for instance. Unless the wheat of the Northwest and other surplus farm products of our country can reach and have a competitive part in the Liverpool market, a great amount of our own trade would be curtailed and immense material crowded back upon us. This has led to discriminating practices with respect to our foreign commerce which at the first blush strike the mind as exceedingly unjust and which may need the processes of correction. The result, however, of this condition is a substantial fact existing in the nature of civilization. So it has come to pass that less rates are charged to-day for delivery of wheat in the Liverpool market than for its delivery in the city of New York.

Then, again, Mr. President, the seas and the oceans which connect us with all foreign nations, from our western and from our eastern shores, are in themselves the causation of great currents of traffic and travel, and then these waterways constitute in themselves a free road connecting all the seashore nations. Another disturbing factor is found in our own rivers, lakes, and canals, the internal navigable waters of our own country. We have developed these waters by immense appropriations. We have shaped, constructed, or improved their channels for the convenience of our own people, and the result is that oftentimes a longer route between two points furnishes cheaper transportation by a water course than shorter routes by rail, and railroads are put under conditions which it is difficult for the most philosophic and the most equitable mind to treat with justice and with due regard to all the conflicting interests which are involved.

So, Mr. President, the seaports and the harbors of this country and the seaports and the harbors of other countries which are at varied distances from the initial point of transportation or to the terminal points are in themselves diverting and sometimes most imperious causes of great systems of traffic and differentials in rates.

Look at the great American seaports—Boston, Baltimore, New York, Philadelphia, Norfolk, Newport News, Wilmington, Savannah, Charleston, New Orleans, Tampa, Galveston. How much money have the whole people of the United States expended upon them? How have the light-houses risen at popular cost to guide the mariner? How have the harbors been dredged and dug out? How have all the improvements of art and constructive genius been applied to them?

Moreover, Mr. President, a harbor is like a mountain pass. Nature originated it, and a harbor is in a certain sense a general and a pervasive public possession and convenience.

Then again, Mr. President, comes the competitive force of rival railroad lines at varied distances from important initial and terminal points, introducing the perplexities and the variants of active and constant competition.

Then, Mr. President, arise practices which have grown in a measure out of irregular conditions—the grouping of a number of cities and of large sections within prescribed distances from initial or terminal points on one basis of charge for travel or traffic. This is what railroad men call the "basic system."

Then, Mr. President, man is a gregarious animal. It has been the habit of the human race since they commenced their journey through this world to collect together in tribes, societies, and organizations of all kinds, to build habitations and cities by systems, sometimes demanded by necessities of defense. Out of the social nature of man have grown great centers of manufacturing, of mining, or agricultural produce, of education, of art, and great emporiums of commerce which supply enormous bulks of traffic that can and do obtain carriage at wholesale rates, while retail rates are charged communities which supply less material for carriage.

I have not time, in the space that I shall endeavor to occupy the attention of the Senate, to discuss fully the nature of any of these variant and diversified causations that are constant qualities in determining the rates of traffic. I have suggested them, to begin with, that I may bring to the realization of the minds of those who have not pondered how complex, how intricate, how irregular these problems are, and how impossible in the nature of the case it is for the wit or the wisdom of man to provide at this stage of our railroad and social development any perfected code which will reach all evils or will harmonize the whole system in accordance with any perfected theory of human action.

#### LEADING QUESTIONS.

I shall now turn, Mr. President, to discuss a few of the practical questions which are before us. Has the Congress of the United States been invested by the Constitution with power to regulate passenger and freight charges in transportation from State to State?

Does the power to regulate passenger and freight charges include the power in Congress to fix the identical rate at which a passenger or a certain weight of freight may be carried from State to State?

Does the power of Congress include the right to fix passenger and freight rates from any station or any place in one State to any other station in another State, or is it confined to fixing the rates of carriage simply across a State line?

Has Congress the power to declare the principles upon which rates shall be fixed, and then by statute to enforce compliance with such principles on the part of the transportation companies which conduct the transportation?

Can Congress authorize a commission to ascertain and fix reasonable and just rates for the carriage of passengers and freight from State to State in compliance with the principles which it has defined by law?

Can Congress authorize a commission to enforce compliance or through the courts to seek compliance by transportation companies with the rates fixed by the Commission in accordance with the principles which it has declared by law?

To each and every one of these questions my mind readily yields an affirmative response, and to my reading the position which those answers assume is abundantly sustained by the decisions of both the State and Federal courts of this country, and by consensus of opinion on the part of the great majority of lawyers and publicists who have studied them. Indeed, Mr. President, the affirmation of these doctrines is so entrenched in American jurisprudence by the concurrence of judicial and scholarly minds and by popular acceptance that persistence in disputing any of them seems rather to flow from the egotism, from the pride, or from the enthusiasm of individual opinion or from inflamed passion of interested motive than from any fairly grounded hope or expectation that they will ever be reversed.

It is highly important, however, that the public mind be rightly informed on this subject, that it should understand the juridical status of these questions, and that our own minds should contemplate the situation from the status in which judicial decision has placed it, whether that status be one altogether pleasing to us or no. These are the reasons that actuate me in reviewing some of the ground which has already been so well occupied by others, whose profound researches and whose enlightening expositions have made this debate memorable for its display of intellectual faculties and of legal lore.

#### FAIR CONSTRUCTION OF THE CONSTITUTION, RATHER THAN REFINED AND METAPHYSICAL REASONING.

Certain other questions besides these are in the public mind and have become practical here. But for the present I will pass them by to discuss those which are fundamental.

Chief Justice Marshall uttered these words in the great case of *Gibbons v. Ogden*, which was decided in 1824. That case fills 240 pages of the ninth volume of Wheaton's Reports, and it seems applicable to the strenuous refinements and contractions of Congressional power which I have heard here and there in the debate made upon this floor. He said:

Powerful and ingenious minds, taking, as postulates, that the powers expressly granted to the Government of the Union are to be contracted by construction into the narrowest possible compass and that the original powers of the States are retained, if any possible construction will retain them, may, by a course of well-digested but refined and metaphysical reasoning, founded on these premises, explain away the Constitution of our country and leave it a magnificent structure indeed to look at, but totally unfit for use.

They may so entangle and perplex the understanding as to obscure principles which were before thought quite plain and induce doubts where, if the mind were to pursue its own course, none would be perceived. In such a case it is peculiarly necessary to recur to safe and fundamental principles to sustain those principles, and, when sustained, to make them the tests of the arguments to be examined, (*Gibbons v. Ogden*, 9 Wheat., 222; A. D. 1824.)



THE CONGRESSIONAL POWER TO REGULATE COMMERCE IS SPECIFIC, COMPLETE, AND COMPREHENSIVE.

Indeed, Mr. President, when we take up the Constitution, these refinements and perplexities which infest a few minds disappear before a fair and natural construction of the language employed, especially when considered with reference to the history of States and Territories. The power of Congress to regulate commerce was not conferred in any meager fashion by the Constitution of the United States. "Regulate" is a word of sovereignty; it is an imperial, a kingly word, as comprehensive as "sovereignty." It was uttered by the voice of the whole people of the United States, and it is as comprehensive as either sovereignty over the land which we inhabit and over every person and everything which pertain thereto. "God said Let there be light; and there was light." This phrase is a little briefer than that in which the people have conferred their sovereign powers upon Congress; but there is nothing meager in the one phrase more than in the other. The one applies to that creative power above us all which made that light, which he who has eyes to see let him see. The other applies to that creative and necessary power of human government which, originating in the sovereign people, was transferred by them to Congress as their servants. To these servants the people gave all of their sovereign power to regulate all of their concerns of commerce among the States. And what is "regulate?" It is "to prescribe the rule by which commerce is to be governed." "This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than prescribed in the Constitution." So says Chief Justice Marshall in *Gibbons v. Ogden* (9 Wheaton, 193).

It is a dangerous power indeed. All power is dangerous, for all power may be abused. Nevertheless, it must exist, and it does exist, and it is for us, as we may, to use it wisely, in so far as it has been committed to our hands for use. It is a sweeping and it is an all-comprehending power. Necessity and propriety are its only limitations; for Congress is given power also "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers"—that is, those that had been enumerated. (Art. I, sec. 8.)

In ascertaining the sense in which the word "necessary" is used in this clause of the Constitution, we look also to that with which it is associated. The only possible fact it has to qualify its strict and rigorous meaning and to present to the mind an idea of some choice of means of legislation is straightened and compressed within the narrow limits of dire necessity.

So arguing, the Supreme Court held that so the end be legitimate and within the scope of the Constitution, and all means which are appropriate which are plainly adapted to that end, which are not prohibited and which consist with the letter and spirit of the Constitution, are constitutional.

The Supreme Court says also, Judge Brewer giving the opinion, in *South Carolina v. U. S.*, 190 U. S., 448.

The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now. Being a grant of powers to a government, its language is general, and as changes come in social and political life, it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable. This in no manner abridges the fact of its changeless nature and meaning. Those things which are within its grants of power, as those were understood when made, are still within them, and those things not within them remain still excluded.

Yea, Mr. President, the Constitution in its outlook is like the camera obscura, which has its face always turned toward the front. Constitutions were made solely for the future. If they did not have a forward look, they would be meaningless and vain. Although the thing that the Constitution deals with may not have existed in being, or even in the imagination of man, the moment it comes within the purview of the power extended it enters into and is grasped by the Constitution, exactly like an image which passes before the glass and is reflected on the camera.

ALL NATIONS AND STATES EXERCISE POWER TO REGULATE COMMERCE AND FIX RATES.

There is no nation of this earth to-day, Mr. President, which has any part in the civilization of mankind, certainly none of the advanced nations, that does not assume and exercise the power to regulate railroad traffic and to fix rates. Out of all the forty-five States that compose the American Union there has not been a State which has denied that it possessed this power within the range of its own jurisdiction.

If it were true, as has been eagerly suggested here, that the people of the United States have withheld from Congress the power to fix rates and the power to employ the natural and appropriate administrative agencies to assist them in that work, this would, indeed, be the oddest nation that ever happened in all the tide of time.

It would also be the most impotent nation in its intimate and most important concerns that ever asserted for itself the attributes of sovereignty or that ever flew a flag on land or sea. It would stand forth the most prodigious monument of oddity and helplessness that the wondering world has ever known.

If it be true, Mr. President, that the Constitution of the United States did not intend in conferring power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," to convey complete and all-embracing power in that sentence, it would seem that those who have been called the "sages of the Revolution" were ignorant persons who little understood the meaning of the words they were using, and that our people have been under delusion in regarding them as wise and far-seeing men.

If it be true that Congress can not fix the principles and confer on executive bodies or commissions the details of examining rate questions and of ascertaining the figures which conform to the principles declared, such doctrine would paralyze government by imposing upon Congress an impossible task and nullifying practical, expedient, natural, and convenient methods by which alone Congressional powers of this description can be properly and fitly exercised.

It is well-nigh inconceivable to my mind that any other mind that is reasonably conversant with human concerns, and that is reasonably fair and righteous in reaching its conclusion, could for a moment dwell upon such nullifying doctrines without perceiving that they are weird, eccentric, destructive, and indeed impossible.

CONGRESSIONAL POWER MUST BE CONFERRED IN MANY CASES ON SUBORDINATE AUTHORITIES.

This Government has been, and now is, and the more and more must be, as populations increase, in the habit of transferring to subordinate authorities and to executive bodies the vast details of its administration, whether that administration refers to the fulfillment of either legislative, executive, or judicial powers.

Congress itself could not accomplish its work unless the executive agents of the two Houses were empowered to buy and sell, to print, to travel, and to do the myriad essential things in execution of the powers of each House or of the Congress which they compose.

Every Cabinet minister and his subordinates must of necessity hear and determine a vast variety of questions which pertain to administration. Our public lands could not be handled. Our rivers and harbors could not be improved for navigation. Our courts could not have commissioners in chancery or receivers. Our armies and navies could neither be organized, clothed, armed, fed, or moved. Our customs and tariff laws would be burdened with dead letters. Our immigration laws and quarantines would be like the Pope's bull against the comet. The Interior and Agricultural Departments would be alunde. The Pension Bureau would become a nonentity. In short, such a doctrine, generally applied, would be as if the ice age had come again, and the glaciers had taken the place of cities, orchards, and fields, where civilization had been, but was not.

The Congressional power to regulate commerce among the States is "exclusive" as well as complete.

Not only, Mr. President, is this power to regulate commerce all embracing—"complete" and "entire," as the courts express it—it is an exclusive power. No other agency in the United States but Congress and those whom it appoints to administer it can exercise it. The power of the State ends at its boundary line. The power of the United States only ends where the oceans have circumscribed the range of its steam and its sail vessels and where its own immense boundaries meet those of foreign nations.

The Constitution of the United States having given to Congress the power to regulate commerce, not only with foreign nations, but among the several States, that subject is necessarily exclusive whenever the subjects of it are national in their character or admit only of one uniform system or plan of regulation.

So said the Supreme Court, through Judge Bradley, in *Robbins v. Shelby County Taxing District* (120 U. S., 489-492); and so it repeated, through Judge Brewer, in *Atlantic Telegraph Co. v. Philadelphia* (190 U. S., 162, 1902).

Out of this power of Congress, Mr. President, rises all the subordinate and fitting powers which are necessary to consummate and to accomplish it. To regulate commerce carries with it the power to build and maintain light-houses, piers, and breakwaters; to employ revenue cutters; to cause surveys to be made of coasts, rivers, and harbors; to appoint all necessary officers at home and abroad, to prescribe their duties, fix their terms of office and compensation; to define and punish all crimes relating to commerce within the sphere of the Constitution.

Any carriage of goods which crosses a State line is inter-

state commerce; and the fact that transportation from one State to another is accomplished, in whole or in part, through the agency of independent and unrelated carriers up to and from the State line does not affect the character of the transaction in this respect. For whenever an article destined to a place without the State is shipped or started therefor it becomes a subject of interstate commerce, and carriers employed in the transportation thereof, although neither of them may pass from one State to the other, are subjects, as instruments of such commerce, to national legislation and control.

A steamer plying between two points within a State is engaged in commerce between the States so far as she is employed in transporting goods destined for other States. (Daniel Ball (1870), 10 Wall., 557.)

When a part of the route of carriage is on a loop, outside of the State transportation on such route is interstate commerce and not within the power of the State.

Communication by telegraph and telephone is commerce if carried on between the different States, and lies as much within the power of Congressional regulation as the transportation of material things.

REGULATION OF COMMERCE WITH FOREIGN NATIONS, AMONG THE STATES, AND WITH INDIAN TRIBES.

Then, Mr. President, we come to the argument of analogy. The power to regulate commerce is specified in three respects—with foreign nations, among the States, and with Indian tribes. The courts have decided that these are commensurate powers, complete in themselves, exclusive in themselves, and equally comprehensive within themselves. They have also decided that those powers which the States may exercise within their domestic jurisdiction with respect to a regulation of freights and traffic the United States may exercise within the same region and to the same extent in interstate-commerce matters.

The power of Congress to regulate commerce among the States is sovereign, exclusive, and complete. Congress may legislate in respect thereto to the same extent, both as to the rates and all other matters of regulation, as a State may do in respect of purely local or internal commerce.

As to the conduct of commerce, the whole subject of the liability of interstate railroad companies for the negligence of those in their service, these may be covered by national legislation enacted by Congress under its power to regulate commerce between the States. (Peirce v. Van Duzer, 58 Fed., 700.)

The power of Congress on this subject is plenary. It may legislate as to the qualifications, duties, and liabilities of employees and others on railway trains engaged in that commerce; and such legislation will supersede any State action on the subject. But until such legislation is had it is clearly within the competency of the States to provide against accidents on trains whilst within their limits. (Nashville X C R. R. Co., 123 U. S., 99.)

"COMMERCE," NOT "ARTICLES OF COMMERCE" ONLY, WITHIN THE POWER.

It was argued by the able Senator from Ohio [Mr. FORAKER] that a rate is not an article of commerce, and therefore not to be fixed by Congress. The shortest and simplest answer to that is that the power is not one to regulate "articles of commerce," but to regulate "commerce." Mr. President, if you were to take the fate out of interstate commerce, I fancy that Hamlet would be completely out of the play. You might as well take the axle out of the wheel or the spoke out of the hub. The rate is the thing that moves all, the mainspring of commerce amongst the States; and it would be just as reasonable to say that you can not regulate the rate because it is not an article of commerce as to say, "There is my watch; fix it up; but leave out the mainspring, and take care that you do not regulate that." There is nothing that concerns commerce among the States as a part thereof, the machinery thereof, or the persons employed therein that is not within the complete and exclusive regulation of the Congress of the United States.

NEVER A SINGLE JUDGE HAS GIVEN OPINION THAT THE LEGISLATURES IN STATES OR THE CONGRESS CAN NOT FIX RATES.

Mr. President, there is one remarkable thing about this question. On the great questions of income tax and of currency and on nearly all the great questions which have agitated the public mind we have seen vacillating and divided courts. Up to date not a single judge of the United States, not a single judge of all the hundreds who have had this subject under advisement, either in the State or in the Federal tribunals, has ever yet said that Congress has no power to fix rates in interstate commerce. There is more unanimity upon this subject in the judicial mind of this country than there has ever existed upon any subject since our Constitution was founded and submitted for the interpretation of man.

THE FOUNDATIONS OF CONGRESSIONAL POWER.

I shall refer now to the foundations of this power. When we turn to the specific source of Congressional power over the regulation of commerce we find them in more than one clause of the Constitution. Indeed, there are no less than five provisions of our Constitution which should be considered in endeavoring to grasp this subject.

Article I, section 1, of the Constitution says:

(1) All legislative powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and a House of Representatives.

There is a general grant of "all legislative powers." Then come specific enumerations:

(2) To regulate commerce with foreign nations, among the several States, and with the Indian tribes. (Art. I, sec. 8.)

(3) To establish post-offices and post-roads. (Art. I, sec. 8.)

(4) The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States. (Art. IV, sec. 3.)

That stretches over the District of Columbia and through the Territories, which are under the immediate jurisdiction of Congress.

(5) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States and in any Department or officer thereof.

Is this not as wide, specific, and clear as lucid language can make it? It is all power, saving only in so far as some restriction may be placed upon it by other parts of the Constitution, as, for instance, that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in any other.

If there be any matter that belongs to commerce among the States, that matter is comprehended and embraced in that power.

How, Mr. President, can one at this stage of debate on this subject find provocation or comfort in challenging a power so universally recognized and just upon the stage of application? The inventive genius of man is strained to discover a trace of difficulty or doubt upon this subject. But a little comfort has been taken by a recent expression of Judge Harlan. In the course of his opinion in the Northern Securities case, 193 U. S., page 343, he used the following words:

Would it be said that Congress can meet such emergencies by prescribing rates by which interstate carriers shall be governed in the transportation of freight and passengers? If Congress has power to fix such rates, and upon that question we express no opinion, it does not choose to exercise its power in that way or about that question.

Judge Harlan in that case simply recognized a condition, that Congress was not regulating rates. He had no provocation to express a decisive question of the decisive subject, and any allusion was obiter dictum. But it does not follow that the judge has any doubt on this subject.

A corporation—

As he has said—

maintaining a public highway \* \* \* must be held to have accepted its rights, privileges, and franchises subject to the condition of the government creating it, or the government within whose limits it conducts its business may by legislation protect the people against unreasonable charges for the services rendered by it.

In that same case, in which Judge Harlan thus passed by without opinion, Mr. Justice White said:

The plenary authority of Congress over interstate commerce, its right to regulate it to the fullest extent, to fix the rates to be charged for the movement of interstate commerce, to legislate concerning the ways and vehicles actually engaged in such traffic, and to exert any and every other power over such commerce which flows from the authority conferred by the Constitution, is thus conceded.

In the case of the Interstate Commerce Commission v. Cincinnati, etc., Railroad (167 U. S.), known generally as the "Maximum Rate case," Justice Brewer, giving the opinion of the Supreme Court, used these expressions:

There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or it might submit to some subordinate tribunal this duty, or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule, which is as old as the existence of common carriers, to wit, that rates must be reasonable. \* \* \* Administrative control over railroads through boards or commissions was no new thing. It had been resorted to in England and in many of the States of the Union.

Thus has the Supreme Court given the imprimatur of its utterance on this question.

NO CONTRACTION OF CONSTRUCTION JUSTIFIED BY THE HISTORY OF THE COMMERCE CLAUSE.

It has been said, Mr. President, that the history of the commerce clause of the Constitution of the United States is con-



ductive to narrow and contracted construction of its meaning. Let me read a little from Bancroft:

Of many causes promoting union, four above others exercised steady and commanding influence. The new Republic as one nation must have power to regulate its foreign commerce, to colonize its large domain, to provide an adequate revenue, and to establish justice in domestic trade by prohibiting the separate States from impairing the obligations of contracts. Each of these four causes was of vital importance; but the necessity for regulating commerce gave the immediate impulse to a more perfect Constitution. (Bancroft on the Constitution, 1st vol., 146.)

While these ends, Mr. President, were being discussed, and while the Americans were getting their minds together with a view to settling commercial questions, a British order in council was made in July, 1783, restricting to British subjects and ships the carrying of American produce from American ports to any British West India island and the carrying of the produce of those islands to any port in America.

This act of British imposition stung and aroused American spirit and drew together and impelled the States together to resist the common adversary.

VIRGINIA MARSHALS THE UNITED STATES ON THEIR WAY TO A BETTER UNION.

At the same time, while we were turning the face of the coming nation toward the East, there were those who were also looking toward the West.

The complete cession of the Northwest and the grant of the desired impost were the offerings of Virginia to the general welfare. Simultaneously, her legislature, in December, took cognizance of the aggression on equal commerce. The Virginians owned not much shipping and had no special interest in the West India trade, but the British prohibitory policy offended their pride and their sense of honor, and, as in the war they looked upon "union as the rock of their political salvation," so they again rang the bell to call the other States to council. They complained of "a disposition in Great Britain to gain partial advantages injurious to the rights of free commerce and repugnant to the principles of reciprocal interest and convenience, which form the only permanent foundation of friendly intercourse," and unanimously consented to empower Congress to adopt the most effectual mode of counteracting restrictions on American navigation so long as they should be continued. And Governor Harrison, by their direction, communicated the act to the executive authority of the other States, requesting the immediate adoption of similar measures, and he sent to the Delegates of his own State in Congress a report of what had been done. This is the first in the series of measures through which Virginia marshaled the United States on their way to a better Union. (Bancroft on the Constitution, 1st vol., 148.)

WASHINGTON SEEKING TO GRAPPLE EAST AND WEST TOGETHER.

Soon Washington's practical mind was seeking to grapple the East and the West together, and in the autumn of 1784, he was journeying among the streams and paths of the Alleghenies, sketching in his mind a system of internal communication of the Potomac with the Ohio; an affluent of the Ohio to Cuyahoga, and so from the site of Cleveland and Detroit and onward to the Lake of the Woods.

A little later the people of Maryland and Virginia petitioned jointly the legislatures of their respective States for the united action for improving the navigation of the Potomac, and we find Washington himself as the leading Virginia negotiator, where he successfully consummated his mission, the plan adopted being speedily passed by the legislatures of both States to their mutual satisfaction, and, as Washington hoped, to the advantage of the Union.

This is but a slender noting of a great chapter in our constitutional history. It shows, on the one hand, how, looking to the ocean, foreign commerce inspired union, and how, on the other hand, looking to the West, internal commercial communication by practical methods was begetting in the minds of men, a consideration which in time found expression in placing the regulation of commerce between the States on the same footing in the Constitution as that of regulation of commerce with foreign nations, whether by land or by sea. The Senator from Texas [Mr. CULBERSON] has admirably presented a phase of these views, which I will not repeat, but it powerfully reinforces them. It was from the broadest view and the wisest perspective of the human mind, looking to all points of the compass, that there grew out of the minds of the Constitution builders a foundation commensurate with the mighty framework which they were about to erect, all-comprehending as to the commercial power, exclusive in its nature, leaving nothing of commerce between State, foreign or domestic, that was not put in the power of the Congress of the United States.

JUDICIAL EXPOSITIONS ON THE POWER TO FIX RATES.

Mr. President, if we have been embarrassed, in mild degree, at least, by the injection of subjects of debate which would seem to have passed out of that category into settled question, the arguments employed deserve to be completely answered, not only by the philosophy of history and by the natural reading of our constitutional papers, but as well by the juridical expositions which have been passed upon this subject. In the centennial year, 1876, the case of *Munn v. Illinois* was decided by the United States Supreme Court. Chief Justice Waite, of Ohio,

a broad-minded and learned man, one of great industry and patient attention, gave the opinion. His opinion is one of the most learned essays that have gone forth on this subject. The basic principles upon which he rested it have not from that day to this been disturbed or overruled. He showed how, under the power inherent in every sovereignty, a government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each held or used his property.

He showed further how the exercise of these powers had been customary in England from time immemorial; how they had been exercised in this country from its first colonization to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, and, in so doing, to fix the maximum charge to be made for services rendered, accommodations furnished, and articles sold. The statutes of all the thirteen original States, Mr. President, abound with such illustrations and show that our forefathers, when they were building States and molding them into a nation, had themselves no sense of the imperfection and impotence of the work which they were constructing.

Said Chief Justice Waite, in *Munn v. Illinois* (94 U. S., 113):

With the fifth amendment in force, Congress in 1820 conferred power upon the city of Washington to regulate rates of wharfage at private wharves; the sweeping of chimneys, and to fix the rates of fees therefor, \* \* \* and the rate and quality of bread (3 Stat., 587, sec. 7); and in 1848 to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commissions of auctioneers (9 Id., 224, sec. 2).

From this it is apparent that, down to the time of the adoption of the fourteenth amendment, it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law. Under some circumstances they may, but not all. The amendment does not change the law in this particular; it simply prevents the States from doing that which will operate as such a deprivation.

This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what without its operative effect. Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private property is "affected with a public interest it ceases to be *juris privati* only." This was said by Lord Chief Justice Hale more than two hundred years ago in his treatise *De Portibus Maris* (1 Harg. Law Tracts, 78), and has been accepted without objection as an essential element in the law of property ever since. Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but so long as he maintains the use he must submit to the control.

Mr. President, it will be perceived that not only does the regulation of commerce by Congress come within the clear and specific meaning of an expressly enumerated grant of power, but that in the very nature of the case and by the exercise of public employment under the jurisdiction of a sovereign power—the United States—it is a power so necessary to sovereignty, so absolutely indispensable to society, so inherent in the nature of the government of man that for centuries before this nation came into being it was exercised by our mother country, that it was brought here and introduced into every one of the States of this Union, and that by the common law, by the verdict of history, by the invariable habits of mankind, and by distinctive and clear expression of the Constitution of the United States Congress stands in the possession of this power to-day.

My distinguished and able friend the Senator from Ohio [Mr. FORAKER], who has made on this subject a speech of great instruction, one which illuminated to my own mind phases in the practical bearings of it which I had not understood or appreciated until I heard his discussion, will permit me to say—I hope without diminishing from my conception of his ability, his earnestness, his patriotism, or his power—that I conceive that he has used a misleading argument in his speech when he points out that Congress in chartering the Pacific railroads was exercising a proprietary power and not a power of regulation in prescribing their freights or putting conditions upon them such as we invoke here.

If the Senator will read the charter of the Pacific railroads, and if he will read the decisions of the courts in expounding that charter, he will see that the Supreme Court of the United States does not rest the power under any such narrow line of thought as that which he delimitates. It appears that that charter was not only over the territory described by him as under the proprietary rights of the United States, which owned it and was its immediate legislator, but that it applied as well to sovereign and perfected States. In the case of *California v. Pacific Railroad Companies* (127 U. S. Rep., p. 1) it will be found that the Supreme Court has held, in defining this power, that it is within the power of Congress to charter a

railroad to run anywhere in the United States, across the States as well as across the Territories.

In the case of the Gettysburg battlefield the Supreme Court settled another question, which up to that time—

Mr. FORAKER. Mr. President—

Mr. DANIEL. One moment, just let me finish the sentence—which up to that time had not met with its definite adjudication—that is to say, that the United States possess complete eminent domain and for any public purpose may condemn and take the land of any citizen anywhere. In 127 United States they apply that to the charter of interstate-commerce corporations, making the circle round of the completed power of the United States on this subject.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Ohio?

Mr. DANIEL. With pleasure.

Mr. FORAKER. If I rightly understand the remarks of the Senator from Virginia, he entirely misapprehended the sense in which I employed the term "proprietary" in the connection mentioned by him. I did not employ that term in that connection to indicate that the Pacific railroads, the nature of the charter for which we were then considering, were constructed through lands belonging to the United States or other lands over which the United States had exclusive jurisdiction, as over the Territories; but I employed the term to indicate that it was the United States Government that had the proprietary right in the case mentioned to grant the charter, and, granting the charter, it had a right to attach, as a condition precedent to the enjoyment of the charter, any condition it saw fit to prescribe; and if it saw fit to prescribe in the granting of a charter under which a railroad was to be constructed a right to regulate rates of fare, the taking of a charter was an agreement to that restriction. That was the only sense in which I used the term. I had no thought of using the word "proprietary" in connection with the territory through which the road would run.

Now, as to the charter of those roads, the Senator will look in vain for anything in it indicating that the Congress granted that charter in the exercise of its power to regulate commerce. It granted the charter, as is expressly stated both in the title to the act and in the body of the act, in the exercise of its power to provide for the national defense, to establish post-offices and post-roads, etc.

It is true that in 127 United States, as the Senator says, there is found in the opinion of the court a statement to the effect that Congress, in the exercise of its power to regulate commerce, may authorize the construction of a road, and, I think, it goes so far as to say may construct and operate a road; but it is not true, as I understood the Senator to say, that that was an opinion of the court and that that part of the opinion of the court was necessary to the decision of that case. It was not. It was, on the contrary, as pure an obiter dictum as was ever uttered from the bench. It had no relevancy to the questions before the court at all. The opinion was written by a very careful judge, Mr. Justice Bradley, one for whom I have the most profound respect, but it was, nevertheless, nothing in its relation to that case than an obiter dictum pure and simple.

The point I made all the way through—I hope I do not interrupt the Senator too much; and, if I do, I shall be glad, of course, to desist—

Mr. DANIEL. I yield to the Senator with great pleasure.

Mr. FORAKER. The point I made all the way through in connection with the use of the word "proprietary" was that the power to regulate commerce conferred by the Constitution on the Congress, subject only to the restrictions of the Constitution, is a plenary power, just as complete in itself as is the power of a State to regulate commerce.

But the question remains, What is the power of the State to regulate commerce? I contended then that the power of the State to fix rates was a proprietary right that does not belong to Congress in that connection. The State has the same right that the United States Government exercises when it grants a charter. The State incorporating a railroad can prescribe—and it retains the right, if it does not see fit so to prescribe in the charter—any regulation it may see fit. That is perfectly competent to the State, and the Supreme Court of the United States has never in any decision whatever passed upon the question of the right of the Federal Government in the exercise of the power to regulate commerce to prescribe what rates shall be charged, maximum or otherwise.

In the Munn case, on which the Senator comments and in connection with which he pays such a deserved tribute to the late Chief Justice Waite, the question was whether or not the State of Illinois had the power to prescribe maximum rates of charges for the use of elevators. In that connection, speak-

ing of the sovereignties that were complete in themselves that have this proprietary right, he did quote what had been done by Congress with respect to the city of Washington in authorizing this city to prescribe maximum rates of charges for ferries and other public conveniences, but I called attention to the fact that, according to all the elementary authorities, that is not a delegation of legislative power in the sense in which we ordinarily discuss that question, but that it is an exception to that rule, quoting one authority only out of many that I might have quoted, because it is so elementary a proposition I did not think it necessary to dwell upon it.

So that there is nothing in the Munn case, where the authority under consideration was that of a State which had not only power to regulate commerce, but had the proprietary right to fix rates, and nothing in the citations the Senator makes as to what Congress did in respect to the city of Washington, which is out of the ordinary rule, that contravenes in any respect anything for which I contended.

The Senator will pardon me for such an extended interruption. I would not have done it only he was so gracious and so obliging that somehow or other when you get started in imposing on him you can not help it.

Mr. DANIEL. I am very glad the Senator interrupted me, but I think the Senator will take a good deal longer to explain his explanation. I hope, however, he will not do it now.

Mr. FORAKER. I will be content to let it stand in the RECORD alongside with what the Senator says, trusting that anybody who will read it will conclude that it does not need any explanation.

Mr. DANIEL. I did not mean to reflect upon the Senator at all, but I was attending in my own reflections to the fact that, instead of diminishing the powers of Congress, the Senator had shown by his remark that they had an additional power about building railroads, and that one of self-defense or national defense. Of course, if they may charter a railroad and build it and create it, they may put any regulation they please upon it. They can regulate it; and it occurs to me, Mr. President, that in developing a new aspect of the subject the Senator has in no wise contracted my argument, but simply enlarged and reinforced it.

Mr. FORAKER. Mr. President, if the Senator will not complain of me—I will not interrupt the Senator for a moment longer than it is agreeable—the Congress does have powers beyond the one power to regulate commerce. The point I am making is that we are proceeding here under the one independent power to regulate commerce, and that this power to do these other things is deducible, not alone from that power, but from the other powers that have been conferred by the Constitution on the Federal Government.

Mr. DANIEL. Mr. President, we are proceeding here under all the powers we have got under the Constitution. If we have power to so proceed, whose business is it to question the power we are exercising, if we have got that power?

Furthermore, the Senator says, as if making some criticism or detraction from the arguments and citations that have been made, that the Supreme Court has never yet in a direct case passed upon a rate and held that a Congressional rate was all right. It has not passed upon such a question directly for the simple reason that no such question has ever been or could have been before it.

Mr. FORAKER. Mr. President, all I want—

Mr. DANIEL. Let me finish my sentence, if you please.

Mr. FORAKER. It is an open question.

Mr. DANIEL. It has never passed upon a rate enacted by Congress, because no rate enacted by Congress or an agency of Congress has ever been before it. The Senator says it is therefore an open question. That is a very broad remark to make in view of the fact that the court has time and again, over and over, year in and year out, recognized the power of a State within itself to make a rate, and declared, or taken for granted, and expounded as a principle that our power over commerce is complete, exclusive, and unlimited in the Constitution of the United States, and built up an analogous system on the subject in the United States compared with that of the States. It is true, however, and is obliged to be true, that this particular case in this particular form has never been presented to the Supreme Court of the United States—a fact that should be taken in connection with the other fact, that all the indicia of opinion and of expression on the subject have pointed to their conclusion in like manner as has been thus stated.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Ohio?

Mr. DANIEL. Certainly.

Mr. FORAKER. I was only going to suggest to the Senator



that there is no difference of opinion between him and me as to what has been decided. The only point I was making a moment ago was this, that all the decisions of the Supreme Court with respect to rates have been with respect to rates made by the States through the acts of their legislatures or through agencies appointed by the legislatures of the States, and I was trying to distinguish now, as I did try at considerable length to distinguish when I addressed the Senate on that subject on February 28, between the power of the State to do that and the power of the Federal Government in the exercise of its power to regulate commerce.

That reminds me to say that the Senator a few moments ago commented upon my remarks at that time and took exception to what he said my statement was, that a rate was not an article of commerce. It is true I said it was not an article of commerce. I said more than that. I said that the rate charged by a carrier was not an article of commerce; neither was it an instrumentality of commerce; neither was it a facility of commerce; neither was it anything that had to do with the purpose of commerce which looks to the safe carriage of life and the safe carriage of property.

I can not any more than call attention to that at this time without unduly interrupting the Senator, and, of course, I do not want to do that; but I take advantage of this opportunity, through his kindness, to broaden his statement a little bit as to what I then said.

Mr. DANIEL. Mr. President, of course I can not quote an opinion of the Supreme Court which has decided this question on the presentation of the actual case involving a rate made by Congress. All I claim is that the views expressed by the Supreme Court comprehend and embrace such a case, and before—

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. DANIEL. I yield for a question.

Mr. NELSON. Has not the Supreme Court, in substance, time and again decided that the power of Congress over interstate commerce is as broad and complete as that of the State over State commerce?

Mr. DANIEL. I think I have shown that that is the view of the courts.

Mr. FORAKER. If the Senator from Virginia will allow me, what the Supreme Court of the United States has time and again decided, to which the Senator from Minnesota refers, is that the power to regulate commerce conferred by the Constitution on the Federal Government is as broad and plenary as the power to regulate commerce that belongs to a State. But the State, being a complete sovereignty, has this inherent proprietary right which enables it to go further than the Constitution authorizes the Congress to go. That is the distinction which has been made all the time.

Mr. NELSON. I want to say to the Senator from Ohio that if the State has the power to regulate rates, why has not, in like manner, Congress the same power over interstate commerce that the State has over State commerce?

Mr. FORAKER. If the Senator will read the remarks I made here on February 28 he will see stated at length why, in my opinion, the State has the power to regulate rates that does not belong to the Federal Government under the power to regulate commerce. I can not, in the time of the Senator from Virginia, answer at the length that it would be necessary for me to answer to properly make response to what the Senator from Minnesota says.

Mr. DANIEL. Mr. President, I will conclude what I have to say on this subject—that is, the power of Congress—by reading an extract from the opinion in the case of the Pensacola Telegraph Company v. The Western Union Telegraph Company (96 U. S.), in which Chief Justice Waite again gave the opinion. He sustained in that case the broad regulating power of Congress, and held that these powers extended in their application to telegraph lines, to the postal service, to military and post roads, and covered the whole territory of the United States, whether crossing State lines or no. He said:

The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or in use when the Constitution was adopted, but they keep pace with the Constitution of the country and adapt themselves to the new developments of time and circumstances.

They extend from the horse and his rider to the stage coach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph as these new agencies are brought into use to meet the demands of increasing population and wealth.

They were intended for the use of the business to which they relate at all times and under all circumstances.

As they were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see

to it that intercourse among the States and the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

These, Mr. President, are broad and deep-rooted principles, and it would be most curious indeed if the all-embracing power which has been expounded and illustrated in so many diverse forms, as going down to the hackney coach and to the ferry, across the ocean, along the railroad, and the telegraph line did not embrace that important, substantial, and most moving matter—the rate of freight or passenger travel upon a road. I am content thus to leave it.

#### THE POWER OF CONGRESS TO CREATE COMMISSIONS.

I will address myself now to another question. It is with reference to the power of Congress to put its power in the hands of a commission, and to a consideration of what is the due process of law which must be observed in dealing with questions which arise under the provisions of this measure. I heard, and I have read with deep interest, the able speech which was made on this floor by the Senator from Pennsylvania [Mr. KNOX]. He predicated much that he had to say upon a general declaration in that speech, with which I feel obliged to take issue. He said:

It is the heritage of every English-speaking man or association of men to have his rights determined in a court. It is for the court to decide what those rights are.

This is an idealistic view of the Federal Constitution. As I read that document this view is not sustained by an examination of the Supreme Court decisions. If we regard the facts disclosed by those decisions the declaration of the learned and distinguished Senator would only be made to conform accurately with them when qualified so as to read that "sometimes it is the heritage of every English-speaking man to have his rights determined in a court," for it is equally true, as a general allegation, that sometimes, indeed many times, it is not so, according to the Supreme Court view and according to the American practice.

The conclusions drawn from this broad assertion by the Senator from Pennsylvania he thus expressed:

An attempt to specify what right shall be determined by the court might be fatal to the constitutionality of the legislation. If the specification should not include all his rights, he would be shorn of a constitutional privilege. Should it undertake to enumerate rights which he could not establish, it would be meaningless and unintelligent legislation. If his rights are determined solely by the Constitution, that instrument would be the measure employed in their determination. If he has rights vested upon some other foundation, a limitation placed upon him to have nothing but his constitutional rights determined would be a fatal objection.

So the declaration of the Senator is designed by him to apply to every right of a citizen, and to maintain that as to his every right he can not be made to suffer without having provision made by Federal law that deals with it for testing that right in court. Any other test by an administrative board, however dignified, however competent, would be to his mind incomplete and would lack the qualities of due process of law.

But the declaration of the Senator and his conclusions are alike refuted by the Supreme Court of the United States in many decisions to which I shall presently advert. Here let me say that I do not overlook the fact that the Senator, from whose utterance I dissent, has been eminently fair and impartial in applying the doctrine he contends for, and by no means confines its protection to the carrier. He upholds, amplifies, and extends it to the shipper and the passenger. He would require, when an injunctive process issues from a court, to suspend for a time being a rate fixed by the Commission, a cash deposit or bond should be given by the carrier that would secure to the parties entitled to repayment the difference between the Commission's rate and the railroad rate if the Commission's rate were sustained.

OFTEN NOT THE HERITAGE OF AN AMERICAN CITIZEN TO HAVE HIS RIGHTS DETERMINED IN A COURT.

I undertake to say, in contravention of the broad, general, axiomatic expression of the Senator, that there are many cases in this country in which the highest and most sacred rights of property and of persons are passed upon finally under administrative law. I also undertake to say that they are of equal dignity, if not of greater dignity, than anything that is involved in the rates of passenger or freight traffic.

I wish, then, Mr. President, in order to get at the meat of this matter, as it underlies the measure which we are endeavoring to mold, to discuss what is due process of law.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. DANIEL. With great pleasure.

Mr. KNOX. Of course it was my own misfortune as well as my own fault if the Senator from Virginia understood that por-

tion of my remarks which he has just read to apply to any other class of rights than the class of rights proposed to be dealt with in this legislation—that is, rights of property, vested rights. Of course I would probably be one of the last men to stand upon the floor of the Senate and deny that under the domain of administrative law, where the nation or a State is dealing with that over which it has complete control, the rights of parties are very often, indeed almost generally, disposed of through administrative boards, as, for instance, the rights of the citizen to transmit his mail and the conditions under which he shall be permitted to transmit it through the post-office. That is a matter over which the Congress has complete control, and of course the administration of the affairs of that Department can be dealt with by Congress as it sees fit. So in the case of the distribution of public lands; so in the case of the citizenship of Indians; so in the case of immigration. Anything over which the Government has complete control and where it defines the rights of parties, of course can be handled through an administrative board.

Mr. ALDRICH. In custom matters.

Mr. KNOX. And in custom cases. But my proposition, of course, had to do only with the rights we were undertaking to deal with in this legislation; and I hold myself unfortunate that I did not more specifically indicate it. I presumed it would be assumed by those who read my remarks, and any criticism the Senator from Virginia may have upon the assertion based upon these administrative cases of course I freely accept.

Mr. DANIEL. I have no doubt the Senator fully understands the difference between those cases in which administrative law is held to be conclusive by the courts and those in which it is held that the term "due process of law" involves juridical process. At the same time, I had to treat the Senator's speech as he uttered it. I have seen that broad, sweeping sentence of the distinguished Senator from Pennsylvania put in newspapers as a campaign banner, so to speak, and as matter of rebuke and caution to those who would undertake to narrow the jurisdiction of the Federal courts in this matter. I am sure it was simply a general utterance, and had the Senator cautioned his own mind he would have confined it, as the courts confined it, to a particular class of cases, to which I shall presently refer.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield further to the Senator from Pennsylvania?

Mr. DANIEL. Certainly.

Mr. KNOX. Only for a moment. I merely want to add to what I have already said that the Senator will observe that all of the authorities I cited in support of that proposition show the distinction which I have just now undertaken to draw between the two classes of rights. So one could hardly in reading the speech as a whole or in listening to it as a whole be mistaken as to the intention.

Mr. DANIEL. I have not the slightest doubt in my own mind as to the perfect fairness and candor of the Senator from Pennsylvania. I never intended to intimate a criticism of that character in any way whatsoever. But the Senator speaks from a standpoint of such authority upon questions of law and his reputation and character are so well known that I merely apprehended that if that broad statement were continuously quoted without the explanations which belong to it, it might put some who entertain somewhat different opinions from the Senator from Pennsylvania in an ill light of criticism before other minds which did not appreciate these distinctions as he does.

I also wish to make it a basis for showing, if I may, the distinctions taken on the class of cases in which the courts consider that due process of law involves juridical process and those taken on that other class of cases which require only administrative powers as due process of law.

#### "DUE PROCESS OF LAW" AND "LAW OF THE LAND."

Due process of law is generally interpreted in our form of government to be an expression equivalent, or nearly so, with the term "law of the land" as used in Magna Charta. It is that law which the people themselves have ordained and laid down for the regulation of their society and to which they have become accustomed.

(1) The constitution of a State is the law of the land for that State, and observance of the procedures which it commands is due process of law.

(2) The Constitution of the United States is the law of the land for the whole Union, and procedures in consonance with that Constitution, and none other, are due process of law.

No interpretation of the law of the land or due process of law has so put its inhibition upon the power of Congress or of

a State legislature as to require either body to preserve upon the statute books of the country any particular remedial statute of jurisdiction whatsoever, whether of criminal law, municipal law, civil law, or equity, which may be there at this time, provided only that a legislature under the Constitution and according to judicial construction can not remove an existing statute upon which contracts have been built so as to tear down those contracts or to subtract from their substance and foundation; provided, too, that jury trials are preserved where required by the law of the land; and provided also, that in changing some existing due process of law a legislature shall leave a fitting and appropriate remedy against constitutional wrong which preserves to the citizen the right to be heard in court when the original question of legal right or wrong is juridical, or where the original question is purely administrative leaves the right to be heard by an administrative body. To go beyond this would be to freeze, if not to completely paralyze, the powers of the legislation, and to put a bar to those changes of legal progress which may be deemed essential by representative bodies to advancement in the science of judicature and administration.

#### "DUE PROCESS OF LAW" OLDER THAN MAGNA CHARTA.

The term "due process of law," as used by constitutions and courts, is older in English history than Magna Charta, accorded by King John to the Barons at Runnymede in 1215, nearly seven hundred years ago. Since that period of English history, whatever aberrations our race has been afflicted with, however star-chamber courts, military courts, or usurping magistrates have invaded the law of the land, and however passionate mobs or revolutionary movements have swept over it in waves of frenzy, the masses of the people of our country and of our race have adhered in their devotion to the sacred rights of due process and law of the land, for they are basic to our liberties. These terms are a legal guaranty, and there is no principle of our liberties to which we should be more devoted or which we should more faithfully defend.

#### CORPORATIONS, LIKE INDIVIDUALS, ENTITLED TO PROCESS OF LAW.

Since the rise of corporations—artificial persons, as they are called—and since the fourteenth amendment was adopted, it has been established beyond debate by the courts that the corporation is a person in the sense of the Constitution, and decisions to this effect are so accepted that no one challenges them or seeks to reverse them.

It is to be remembered in the consideration of such a matter as this that whatever may be the weaknesses or the wickedness of corporations which have been developed, and whatever and however justly offenses have been imputed to them, they are no more and no less than an aggregate of human beings, concatenated together by popular opinion and by regulative enactment, and with all their vices and with all their faults they are no more and no less than reflexes of the conduct of the people of flesh and blood who compose them. It must be remembered, too, that if they be but man-made, artificial creatures, the people were and continue to be their creators, and in some respects their beneficiaries as well as their victims. Like all artificial and natural creatures they are mixtures of good and evil.

A corporation is, in fact, only a shell with a fancy name upon it. Everything inside of the shell is property acquired under charters which the people themselves have granted, plus the human beings who own the property, in the shares prescribed by law, and plus or minus the water which may in some sort of fashion have inflated the shares. These corporations, being created by law and living by and under law, have just the same title to be protected by the law of the land and by due process of that law as has every individual citizen of our country, whether he be on the inside or the outside of the corporate shell.

What, then, is the definitive meaning of law of the land and process of law as applied to such cases as this? Just this: That every individual, whether a human person or a composite person called a corporation, is entitled to have and hold his, her, or its property, his, her, or its liberty, in accordance with the laws of this land, made in pursuance of constitutional authority. The law of the land embraces the statutes as well as the Constitution. It is the general law, which, as Daniel Webster declared, "hears before it condemns, which proceeds upon inquiry and renders judgment only after trial;" "and has," he added, "the meaning that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society."

Another master of jurisprudence has said:

The good sense of mankind has at length settled down to this, that they were intended to secure the individual from arbitrary exercise of the powers of government, unrestrained by the established principles of private right and distributive justice.



"DUE PROCESS OF LAW" SOMETIMES INCLUDES JURIDICAL POWERS AND SOMETIMES DOES NOT.

This law of the land, or due process, however, does not require that there shall be the same process of law or the same law of the land with reference to classes of persons or things which are in their nature different and which according to their nature require a variation of methods.

Story struck the right keynote when he said in his work on the Constitution that different principles are applicable in different cases and require different forms and proceedings. In some they must be judicial; in others not. (See Story on the Constitution, sec. 1943-1946.)

Every lawyer must realize that procedures must vary according to the nature of the things to be governed. A proceeding in attachment against an absconding debtor must ex necessitate rei vary from that of a suit of ejectment for land.

THE SETTLED MEASURES OF LAW FOR THE PROTECTION OF RIGHTS MUST BE OBSERVED.

A proceeding in libel against a piratical ship must vary from a proceeding for the partition of an estate or for enforcing in equity a resulting trust. So Story adds that "due process of law" in each particular case means such an exercise of the powers of government as settled maxims of law permit and sanction, and under such safeguards for the protection of the individual rights as those maxims prescribe for the class of cases to which the one being dealt with belongs. In short, then, we must deal with these cases of interstate transportation according to their kind, using such instrumentalities, observing such mechanisms, using such safeguards, as properly, naturally, customarily apply to the conditions and interests which we deal with and directing them to the protection of all individuals and all corporate rights involved.

JUDICIAL REVIEW OR APPEAL, OR BOTH, IN EQUITY.

Let me now advert to the application of these general principles and bring them to bear upon the question which has been here raised. That question is twofold. Shall we provide in this bill for the juridical review or a judicial appeal from the action of the Interstate Commerce Commission in a given case? Are we obliged to do it or otherwise leave the bill in unconstitutional form? I share in the opinion that it is wisest and best to provide for either a judicial review or appeal, but at the same time I do not doubt that if no judicial appeal or review were provided for, the system of equitable jurisdiction which has been administered with reference to such cases for at least thirty years would prove sufficient to comprehend and to secure to all parties in interest every right to which they may justly lay claim.

COMMISSIONS AND COURTS BOTH LIABLE TO ERROR.

When a passenger or a shipper has brought a case of alleged wrong before the Interstate Commerce Commission, that body may decide in favor of him or against him. It is just as liable to err as a court, or if not so, it would be only because the Commissioners are more apt to be more familiar with the intricacies and bearings of rate questions than courts are. The men who constitute the Commission are likely to be and are assumed to be upright and honorable men. As a rule also, judges are likewise; and if there be any difference between judges and the Interstate Commerce Commission with respect to liability to err, there is a certain degree in favor of the lesser liability, in so far as the law is concerned, in favor of the judges, from the fact that they must be technically at least learned in the law, and are more apt to be trained and versed in that profession.

Now, suppose the Interstate Commerce Commission decides against a shipper or a passenger, or whosoever may claim that the transportation company has acted with error. No matter what the shipper or passenger may lose, he is at the jumping-off place and is done with unless he may appeal to a court.

Suppose that there should be such a decision against a corporation, and the corporation goes off with a sense of grievance—and the side that goes off is apt to go with a sense of grievance—is it wisest and best for the people of this country to leave the matter solely with the Interstate Commerce Commission? Men are more careful and painstaking when a reviewing body may scrutinize and pass upon their work.

THE EXISTING JURIDICAL STATUS.

But, Mr. President, I apprehend that we are foreclosed from the consideration of that subject by the juridical status of this case. As an original question, it may have been wisest and best to have reposed the whole subject of freight making in the hands of an expert and honorable commission, who would study that single subject continuously and make themselves thoroughly conversant therewith; but we do not do it, and the courts have established a system of equitable review. We have the same power to do it that the States have with respect

to State charters, and that the country has with respect to Federal or national charters to repose such power in the directors of railroads. No director of any railroad has any natural right to fix freight or passenger tolls on a public highway. There has not been a day in the history of this country since a railroad was run that the tolls of that railroad were not fixed under powers delegated by the State legislatures or under powers delegated by the Federal Government. The corporation itself had no power whatsoever save what the State gave it in the one case, and the Federal corporation had no power, nor have its directors any power, nor have its officers any power, save such as were granted by Congress.

If Congress could grant to the corporation the power to make tolls and to directors to act for them in making tolls, it has the same power to grant to commissions to make tolls.

Then, Mr. President, when they grant the power to prescribe tolls according to the certain standard of reasonable and just tolls, why may they not close the matter there and let the Commission's judgment stand for good and all?

PUBLIC AND PRIVATE CORPORATIONS; AND CORPORATIONS OF PUBLIC SERVICE IMPRESSED WITH A PUBLIC USE.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. DANIEL. Certainly.

Mr. ALDRICH. I assume the Senator would also claim that the directors in any corporation would have no powers except such as were granted by a State or by the National Government?

Mr. DANIEL. Why, of course.

Mr. ALDRICH. The Senator, I suppose, does not mean to have us infer from that that either a State government or the National Government would undertake to say what private corporations should charge for articles of merchandise, or how they should conduct their business?

Mr. DANIEL. Mr. President, the consideration of private corporations has no more to do with the subject we are discussing than has the man in the moon, and the Senator might as pertinently ask me as to whether or not I consider—

Mr. ALDRICH rose.

Mr. DANIEL. Let me answer the question, please. Just wait a little while until I answer. The Senator might as pertinently ask me whether I consider that the moon is made of green cheese. The transportation corporations of this country are neither public nor private corporations. A public corporation is one that is solely organized for public purposes, such as a city, a town, a county. That is a public corporation. A private corporation is one that is solely organized for private purposes, such, for instance, as a corporation to sell green groceries or books. A transportation company or common carrier is in the nature of both a public and a private corporation, public in the sense that it has granted to it the State or Federal power of eminent domain, that it is authorized to take the realty of the citizen in invitum and appropriate it to its own use, and, in the next place, because it exercises a public calling which its charter has authorized it to pursue, either by the State or by the nation. That is the difference.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. DANIEL. Yes, sir; for a question, but I would like to get on with my discourse.

Mr. ALDRICH. I was not about to ask a question, but I was about to state the reason why I asked the question which I did.

The Senator was proceeding upon the theory that directors of railroad corporations have no rights except those given them by the Government, and therefore that the Government could transfer the powers of railroad directors to a commission of its own creation. He made no distinction, and apparently the sole reason was the fact that the corporation existed by reason of national action or State action, and therefore we could undertake to control all of its affairs. He did not then make the distinction which he has since made between what he calls private corporations and railroad companies, which I supposed he would make.

Mr. DANIEL. Some of us can not say all we are thinking in one sentence, and we apprehend, as a rule, that gentlemen who are hearing that sentence understand its connection. I have no doubt a little reflection would have brought these same thoughts to the mind of the Senator.

Mr. ALDRICH. I was afraid the Senator might be led into the same style of argument of which he accused the Senator from Pennsylvania a few minutes ago. He is a great lawyer, and he is speaking ex cathedra upon these subjects. I was afraid somebody might hear his remarks or read them and

conclude that he thought the Government of the United States having created private corporations, it could appoint commissions to control their business.

Mr. DANIEL. I am speaking, Mr. President, on one subject, on the subject of the corporations to conduct commerce between States—public-service corporations—that offer themselves as carriers for public patronage, that have exercised the right of eminent domain in the State and could get it from the country for public use. If the Senator will read, after it is printed, what I have said and should find that I have run off the track and made too broad an assertion, I would be very glad to correct it.

I was merely defining what I conceive to be the status of these corporations in order the better to apply to questions before us a consideration of what is due process of law with respect to them in this case. I will turn at once now to that, and to a differentiation of the juridical cases and those which are administrative in their nature.

#### THE JURISDICTION OF FEDERAL COURTS AND THE INJUNCTION.

It is proposed, Mr. President, to recognize in this bill the right of a carrier which has been subjected to a rate to which it was opposed by the Interstate Commerce Commission to file an original bill in equity in a circuit court of the United States, and thereby to set aside the rate fixed by the Commission. It is contended that it would be appropriate after the Commission had fixed the rate to withhold from the power of the circuit court the legal right to issue an injunction and stay the application of the rate prescribed by the Commission until the whole case was fully heard.

I am not permitted by my own reading of cases upon this subject to follow what might be the bent either of my own preference or my own opinion. The juridical status of any legal question is as much a fact as if it were composed of so much matter which could be weighed or measured. As I read the decisions of the Supreme Court of the United States, and there are not a few of them, it practically holds that when a rate has been fixed by any commission acting under Congressional power, the court of equity is open for that rate to be brought in question by any party in interest who has suffered by its infliction, and that it is appropriate under old and hoary principles of equity jurisdiction to issue an interlocutory injunction and hold the whole matter in abeyance until the subject is completely investigated and adjudicated.

Finding many decisions to this effect and finding that this practice has been observed in many cases from States in which the actions of State legislatures and State commissions have been brought to the bar of equitable consideration, I am obliged to recognize that such is the established equity practice in this country, and such also is the settled view of the Supreme Court of the United States.

#### THE INJUNCTION OLDER THAN MAGNA CHARTA.

The injunctive process of the court of equity is a very ancient process, older than Magna Charta. Mr. Spence, in his great work on equitable jurisprudence, finds, as he says, the first introduction of the injunction in the reign of Henry Beauclerc, the annual date of which is not given, but it was between 1100 and 1136, the period of his reign. From that day to this injunction has grown. It was borrowed from the Roman law, the interdiction of the old Roman prætor, and, like the great body of the refined and conscionable principles of equity jurisprudence, it was ingrafted upon the narrow though manly and self-assertive jurisprudence of the common law by importation from the rich and fertile judicial system of Rome, the greatest nation of antiquity.

Mr. BAILEY. Will the Senator from Virginia permit me to ask him a question?

Mr. DANIEL. Certainly.

Mr. BAILEY. Does the Senator from Virginia hold that not only the processes and writs and practices of the court of chancery in England were adopted, but that the whole body of equity jurisprudence was adopted by the Constitution of the United States?

Mr. DANIEL. Mr. President, the Senator must let me answer, perhaps, by paraphrase. I do not hold that this country or this Congress is held down to any particular practice of any former generation whatsoever, saving only what is embodied in the Constitution of the United States. I have endeavored to define as clearly as I could in a previous portion of my remarks that if the new statute or amendment of existing law takes place so as to preserve in vitality and vigor a complete remedy to the person who has an ancient remedy, it is enough. I will illustrate, if the Senator will withhold his question a little while, in what limitations I express this view and why I fear the danger point would arise if his amendment were adopted,

and also how I would respectfully suggest that some of the danger in that point might be avoided.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. DANIEL. Certainly.

Mr. BAILEY. I meant to indicate to the Senator the difficulty that would arise if we held that Congress is powerless to modify the practice of proceeding or writs of a court of equity, because it must necessarily follow, then, that the great principles of equity jurisprudence are beyond the control of the Congress. I hardly think that any Senator would be willing to go that far. To say that we can not change the practice or processes, and yet that we can abolish the rule of decision, seems to be a very curious contention.

But I waive that aside, in view of the Senator's answer, and I ask him if he will be good enough to lay before the Senate any decision which holds that intermediate process is necessary to the due process of law? I heard him quote, during the course of his remarks, Webster's famous definition of the law of the land, which, as I recollect now, was a part of his address to the court in the Dartmouth College case. He described it as a system under which the matter is heard before it is decided.

So far as I am informed, I do not believe the Senator can find any cases which hold that intermediate process is essential to due process of law. I am glad, however, to see that the Senator from Virginia abandons the objections offered by others to my amendment and puts it upon the due-process clause of the Constitution instead of the judicial clause.

Mr. DANIEL. Mr. President, I am undertaking to develop a conception of this case which requires a succession of ideas and not the summary utterances of a single one. While interruptions may be naturally provoked by a certain unqualified utterance of a speaker, it is very often the case that if he were to unfold the whole of his thought the interruption would itself be answered. Do not suppose for a moment that I am complaining, Mr. President. I consider that the Senator's exposition of the powers of Congress with respect to the inferior courts of this country, which it is authorized by the Constitution to create, was a masterly and unanswerable exposition of that great theme. I will not say that I heard every word of it; I will not say that I have read every line of it; but its substantive thought utters my convictions not less than his. Nevertheless, there is an honest and sincere difficulty in my own mind in reaching the conclusion that it is wisest and best to prohibit the issue of an interlocutory injunction or a suspension of the rate until a court has passed upon it.

If I were at this moment called upon as a judge to decide that question, I should hesitate and I should desire to study it further. It is one of the most delicate subjects of our whole jurisprudence; and until I had heard it discussed pro and con and had had the very best light put before my mind that could be addressed to its consideration, I should hesitate to express my own judgment. The leaning of my mind, just as is that of the Senator from Texas, is against political power in courts, and many of the decisions of the Supreme Court on this great subject I have read with much comfort and pleasure, because the judges have time and again declared that in no case would they set aside the action of a commission unless it was palpable to their minds—plainly and clearly palpable—that the Commission had in effect taken property without full compensation. It is apropos of that declaration, which is one of the fundamental principles of the Supreme Court upon this subject, that I feel that there arises a danger in this case, to express it mildly, of undertaking by Congress to say that a remedy which has been employed for thirty years, which has become customary to the jurisprudence of the United States, which is habitual in its exercise before the courts, and which the courts have employed with the approbation of all their judges—I am afraid that if that were to go before that same court, as it naturally would, they would say that in this case the carrier has not had due process of law, and then, Mr. President, what would be the situation of this controversy? I do not doubt that you can make the general jurisdiction of the circuit court, or of any other court which Congress creates, what in your wise judgment may be your pleasure, but the case before us is not one as to the jurisdiction of the courts so much as it is what are you going to do with a case, by subtracting a case or a particular class of cases from a general jurisdiction which you have declared to be wise and just? It is a narrower question we are now discussing than the general jurisdiction of courts.

It will be observed when we read certain other decisions that however it may be with administrative matters before the executive department of this Government, it has been the habitual ruling of the Supreme Court, that with respect to



rates fixed by a State legislature or rates fixed by a State commission, neither the legislature nor the commission can make those rates conclusive, but that a United States court has the right, under the Constitution of the United States and through the process of a bill in equity, to bring the parties before the bar of a United States court, and, if such rate is found to be unjust, to set aside that rate as one that lacks in due process of law.

Nor can it be doubted that the same jurisprudence will be exercised by the United States courts as to matters of the United States. That is a juridical status that looks Congress in the face. Now, then, what has the interlocutory injunction to do with it? What is an issue in an interlocutory injunction? The issue of an interlocutory injunction is never a matter of right, but rests in the sound discretion of a court. In order to obtain an interlocutory injunction a plaintiff must show one of several things: First, either that there is no doubt of the wrongful nature of the act sought to be enjoined. Suppose it be true that it is obvious to a chancellor, as soon as he looks at a bill in equity, that a wrong has been done; is it wise for Congress to say that he shall not relieve the plaintiff? Second, or that his own claim of right has been acquiesced in without question for a long time, or that the injury which will result to himself from the refusal of the injunction will be very great and that to the defendant, from the issue thereof, very slight. Otherwise an interlocutory injunction will be denied.

I take that from a short summary in Foster's Federal Practice, volume 1, page 233.

THE STATUS WHEN THERE IS A CONFISCATORY RATE ON THE CARRIER ON ONE SIDE AND A HEAVY FINE ON THE OTHER.

Let us put ourselves in the attitude of a carrier suitor in a United States court in a case where the Interstate Commerce Commission has fixed a rate which it charges is confiscatory of its property and does not accord to it the just compensation which is required by the Constitution of the United States. By another provision of this bill, section 16, that carrier is charged \$5,000 a day as a fine while he is suing in court to ask the court simply to let matters stand in statu quo until he can be fully heard. Unless he has instantly adopted and put in force the rate to which he objects, \$5,000 fine per day is accumulating upon him; and when, on the other hand, the difference between what the carrier considers a righteous rate and what the Interstate Commerce Commission considers a righteous rate may amount to another \$5,000 a day going out of his pocket. Is it wise, is it just, is it equitable, unconditionally to put that individual, be it corporation or man, under the pitiless storm of an incessant fine and subject him at the same time to an incessant loss until such time as everybody may be fully and finally heard and denying him the customary process of the court for his protection? It does not strike my own mind, Mr. President, as wise and equitable to do this.

JUDGE CURTIS'S OPINION IN 18 HOWARD'S REPORTS, REVENUE CLAIMS.

I am further disturbed in my meditations on this subject by reading some of the decisions of the United States Supreme Court, out of which I deduce what is regarded by the courts of this country as the difference between due process of law in purely administrative cases and due process of law in those cases of a peculiar kind, which require juridical process to their finality. I turn, Mr. President, to the case of Murray's Lessee et al. v. The Hoboken Land and Improvement Company. It is in 18 Howard's Reports, 272.

It was an action of ejectment. Both parties asserted title under Samuel Swartwout, the plaintiff, by virtue of an execution, sale, and deed made on judgment obtained in the regular course of judicial proceedings against him and the defendant, by a seizure and sale by the marshal of the United States, under the distress warrant issued by the Solicitor of the Treasury, under the act of Congress of May 20, 1820. Let it be noted that the Solicitor of the Treasury issued the distress warrant, not a judge. The Supreme Court of the United States unanimously held that the power exercised was executive and not judicial, and that the issue of the writ and the proceedings under it were due process of law within the meaning of the Constitution.

Judge Curtis gave the opinion of the Supreme Court. It is rare that one can read a more minute, learned, or more carefully considered opinion. It enters into the sinuosities and irregularities of our jurisprudence and into the diversified forms of process of law. In holding that the distress warrant was due process of law in the taking and selling out of real estate on executive action, he reaches that conclusion by a profound study of the history of English and American jurisprudence. It was a Government claim which related to the revenue which had in English jurisprudence the peculiarities which belong to

the summary process that pertains to the revenues of the Crown. The judge said:

Tested by the common statute law of England prior to the emigration of our ancestors, and by the laws of many of the States at the time of the adoption of this amendment, the proceedings authorized by the act of 1820 can not be denied to be due process of law when applied to the ascertainment and recovery of balances due to the Government from a collector of customs, unless there exists in the Constitution some other provision which restrains Congress from authorizing such proceedings.

So that you trace the due process of law in this case to the fountain of the revenues of the Crown in England and of the Government in the United States.

DUE PROCESS GENERALLY IMPLIES A SETTLED COURSE OF JUDICIAL PROCEEDING.

Now I read another sentence from this eminent jurist:

For, though "due process of law" generally implies and includes actor, reus, judex, regular allegations, opportunity to answer, and a trial according to some settled course of judicial proceeding.

I would underscore those words, marked as they were in the language of this judge, that as a rule due process of law required the regular hearing and the trial according to some settled course of judicial proceeding.

Yet—

He said—

this is not universally true. There may be, and we have seen that there are, cases under the law of England after Magna Charta, and as it was brought to this country and acted on here, in which process in its nature final issues against the body, lands, and goods of certain public debtors without any such trial; and this brings us to the question whether those provisions of the Constitution which relate to the judicial power are incompatible with these proceedings.

WORDS OF CAUTION.

To avoid misconstruction—

Says the judge, and here come in words which I read with a sense of caution and from which I take warning—

To avoid misconstruction upon so grave a subject, we think it proper to state that we do not consider Congress can either withdraw from judicial cognizance any matter which, from its nature, is the subject of a suit at the common law or in equity or admiralty, nor, on the other hand, can it bring under the judicial power a matter which, from its nature, is not a subject for judicial determination.

Ask the question, "Is this question of a rate as confiscatory of property made by a commission now—if so, how long has it been—the subject of a suit at the common law or in equity or in admiralty?" Unquestionably, Mr. President, the true answer to that question must be that to-day and through the whole course of the jurisprudence of the United States Supreme Court on this subject this is a case held to be peculiarly appropriate to equity. Yet it is proposed to paralyze the strong arm of equity while the law is inflicting a penalty at the rate of \$5,000 a day upon the one hand and while, if there be wrong, the pocket is open and pouring out upon the other.

Mr. President, in this great opinion, which is basic of nearly all the decisions which have since ramified through the Departments and the courts, I think the judge takes to pieces this whole subject and clarifies it with the illuminations of a learned, honest, and just mind.

At the same time—

Says Judge Curtis—

At the same time there are matters involving public rights which may be presented in such form that the judicial power is capable of acting on them and which are susceptible of judicial determination, but which Congress may or may not bring within the cognizance of the courts of the United States, as it may deem proper.

That is the second class of cases.

The third class he thus refers to:

Equitable claims to land by the inhabitants of ceded territories form a striking instance of such a class of cases, and as it depends upon the will of Congress whether a remedy in the courts shall be allowed at all in such cases, they may regulate it and prescribe such rules of determination as they may think just and needful. Thus it has been repeatedly decided in this class of cases that upon their trial the acts of executive officers, done under the authority of Congress, were conclusive, either upon particular facts involved in the inquiry or upon the whole title.

The fourth class he thus points out:

It is true also that even in a suit between private persons to try a question of private right the action of the executive power, upon a matter committed to its determination by the Constitution and laws, is conclusive.

Thus it will be seen that there are four classes of cases to which the Supreme Court in the case I am considering refers.

1. Those in which "due process of law" includes juridical process—that is, cases which are the subject of suits at common law or in equity or admiralty. These are the cases declared to be unwithdrawable by Congress from judicial cognizance.

2. Matters involving public rights, which Congress may place within judicial cognizance or not as it may deem proper.

3. Cases in which Congress may grant a remedy or not as it sees fit and prescribe such rules of determination as it considers just and needful.

4. Certain matters of private right which Congress may submit to Executive determination conclusively.

THE CLASS OF CASES TO WHICH THE FIXING OF A RATE BELONGS.

Now, Mr. President, I have examined this proposition to take away the right to issue interlocutory injunctions from a court of equity pending that time when a rate is hanging between the decision of the Interstate Commerce Commission and the invited further decision of a court.

Originally a rate is fixed generally in this country by the directors of a corporation. If that rate be an erroneous and oppressive rate, everybody who has that rate imposed upon him for passenger travel or for freight traffic is wronged; but, Mr. President, there is not a moment after that wrong commences when the courts in this country are not open to the citizen to challenge the wrong and to assert his remedy against it. As soon as the wrong, if it be one, in interstate commerce is challenged, the Interstate Commerce Commission investigates it. When it decides that the rate was wrong and puts in another one, the process of law is in course of progress toward maturity, and the corporate property and the use thereof and the compensation therefor are matters in a certain sense under the surveillance and protection of the court, or at least within reach of a remedy.

It is almost as ancient as the hills that when property is in litigation and in course of legal procedure a court of equity will hold the scales in hand between the parties and keep things in statu quo until it is ready to make up its mind upon the subject, and say which way the right or the wrong shall go. The interlocutory injunctions which are issued in rate cases are predicated upon doctrines almost as old as equity, and if you intend to exercise the equitable jurisdiction and leave the bill in equity as the proper procedure in this case, I can not see my way clear to main the hand which is lifted to apply the remedies of equity, or to attempt to shear the court of any of the rights and discretions which properly belong to the chancellor in such a case. I do believe, however, that the nature of this case is such that a better way may possibly be devised, and one which would lead to swifter decision, which, indeed, is the great end which all are seeking to subserve through the processes that are being devised.

THE LAW'S DELAY.

I have read of a case quoted here in which there was a loss of \$300,000 on one side before the case could be heard. Mr. President, undoubtedly the great evil that underlies the double jurisdiction of Commission and court arises from the fact of the law's delay. Delay is destructive of equity. Rates are like perishable goods. A rate is of to-day. How it would fit three months hence who can tell? What it may be a year hence who can tell? The danger is that the wrong will have been accomplished before you get a hearing of the voice that appeals for right, and that conditions are so fluctuating and changeable that it is very difficult in any event to reach a rectification.

CARRIERS FREQUENTLY PUT ONLY PART OF THEIR TESTIMONY BEFORE THE COMMISSION.

Now, the present system is that when the rate is fixed by the Commission a bill is filed in a Federal court. What happens? The carrier goes into that court and makes the case entirely de novo. I am informed that out of some thirty-two cases decided by the Interstate Commerce Commission, while some twenty-six of them were overruled, it was by new testimony which went to the court and which did not go to the Commission. I have no doubt that the Commission has suffered in public estimate and certainly has undergone most unjust criticism from the fact that the cases decided by the court, which took different views from the Commissioners, were wholly different cases, made up in the court after the Commission had passed upon the subject. In several of these cases in the United States courts the judges have commented upon the fact and have rebuked the practice of railroad companies making new cases in the courts after they have made an imperfect showing and but a partial presentation of their case before the Commission.

Now, then, delay is the great trouble to be obviated, if possible, and the partial hearing before the Commission, antedating full hearing before the court, has been one of the processes by which this delay was increased and by which additional wrong was done. It is the policy and duty of Congress, and it should challenge the best efforts of constructive statesmanship to devise the best plan, regardless of everybody's rights, to get the case from the Commission into the court and to get a speedy hearing. If Congress can accomplish that great result in this bill it will be the author of a piece of remedial legislation which will be useful to all the good citizens of this country and a pillar of righteous, equitable, and just Federal jurisprudence.

CARRIERS AND OTHER PARTIES SHOULD BE REQUIRED TO PUT IN ALL THEIR EVIDENCE BEFORE THE COMMISSION.

It is with diffidence, sir, that I make any suggestion upon the subject, and yet these thoughts have occurred to my mind as thoughts which perhaps might be useful to one who would undertake to accomplish this end. The suggestion that I would make would first be this: Require in this bill that the carrier and all other parties in interest who have a case before the Interstate Commerce Commission shall adduce all the evidence in their behalf on the hearing before the Commission. Why not? Is not that right? *Leges vigilantibus, non dormientibus perveniunt.*

That is the way the wise jurisprudence of old Rome dealt with such matters. The laws are ready to help people who are awake, but not those who sleep upon their rights. Congress have provided at great cost to the people of this country an able tribunal to hear these cases. Parties in interest are duly challenged and notified to make known their minds and the state of facts respecting a question of great public interest, and the public as well as individuals have the right to require that the truth be fully told and not partially told. Therefore, require it to be told and compel them to tell it when they are summoned there.

ONLY SUCH EVIDENCE AS COULD NOT HAVE BEEN OBTAINED BY DUE DILIGENCE SHOULD BE HEARD BY THE COURTS.

Second. Require that no other evidence as to any rate fixed by the Commission shall be heard by any court in any subsequent proceeding saying only such as could not have been obtained by the reasonable diligence of the party offering the same prior to the final order in such case entered by the Commission. There would then be no danger of anybody being taken by surprise. There would be no danger of anybody being curtailed in right. There would be no danger of anybody being shorn of either legal or equitable remedy. Then, why not? That is due process of law, because it preserves in complete integrity, in unimpaired and in perfect stature, the complete right of a man to be heard both before the Commission of original investigation and to have his case heard again before a court of his country. That deprives him of the opportunity to do injustice in trifling with the laws by making an imperfect showing in the first place and exposing his full hand in the second. That is economical, in that it does not repeat the testimony and procedure, and it guards against the possibility of wrong by allowing out of grace the liberty to introduce any new testimony which could not in diligence have been obtained before.

A COPY OF THE RECORD BEFORE THE COMMISSION SHOULD ACCOMPANY THE BILL OR OTHER PROCESS IN COURT.

Third. Require, in the next place, that the copy of the record before the Commission, with all the testimony written and taken down from verbal recitation, shall be presented and made a part of the entire petition, whether you call it appeal, review, or bill to the upper court.

There, Mr. President, when you do that you have withheld one of the stimulants to interlocutory injunctions. If you file a bill in equity ordinarily to review some past procedure, you are not obliged to put the record of that procedure in your bill. You may put some affidavit of your own or any suggestive thing that you deem proper. The court will look upon the face of what you present. But if you require the complainant in the bill, appeal, or petition of review to put with his papers the full record of what was done before, you at least guard against a partial presentment of the case to the chancellor who will act upon it.

NOTICE OF APPLICATION FOR INJUNCTION.

Then, Mr. President, the suggestion by the Senator from North Carolina [Mr. OVERMAN] as to requiring that notice be given—five days is his suggestion—before any application for injunction is made would also be a just expedient and within the range of the proprieties of process to give the adverse party a full opportunity to do what might be necessary to defend his interests. And thus, Mr. President, you would reduce to a minimum the friction between two bodies, which ought to be made to work as nearly in affinity as the case may be and which should not be put in rival relations to each other. Thus, too, would be avoided the opportunities of turning down the Commission by new evidence purposely withheld from it and afterwards used in court to the unjust injury of its reputation and to the delay of justice.

These, Mr. President, are some of the suggestions which have occurred to my mind. They obviate, in a measure at least, the danger that might arise were Congress to withdraw a remedy, now known and now practiced, ancient, based on sound principles, and in vogue in the courts, without substituting something equally substantial and less liable to abuse than it has proved to be.

Mr. President, I have finished discussing all that I care to



discuss about this measure, except the single question what should be involved in the appeal or review before the court after the case has been dealt with by the Interstate Commerce Commission. I had also wished to show a little further the differentiation between this case and the manifold and multiplying cases of administrative law with which we are now dealing. I have, however, been speaking for over three hours, and, if not to my own exhaustion, I am pretty sure to the exhaustion of the patience of my auditors, and I would be very glad if I might be permitted to finish that part of my discussion to-morrow instead of to-day, unless perhaps I should transgress upon some other procedure that has been arranged for to-morrow's session. If not, I would ask this indulgence of the Senate.

#### NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 145) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers, which was read the first time by its title.

Mr. WARREN. The committee has considered the subject-matter of the joint resolution, and I ask unanimous consent that the joint resolution be now considered.

The VICE-PRESIDENT. The joint resolution will be read at length.

The joint resolution was read the second time at length, as follows:

*Resolved, etc.,* That Charles M. Anderson, of Ohio; WILLIAM WARNER, of Missouri; Franklin Murphy, of New Jersey, and JAMES W. WADSWORTH, of New York, be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Charles M. Anderson, WILLIAM WARNER, and Franklin Murphy to succeed themselves, their terms of service expiring April 21, 1906; JAMES W. WADSWORTH to succeed Gen. Martin T. McMahon, deceased, whose term of office expires April 21, 1910.

By unanimous consent the Senate proceeded to the consideration of the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, May 2, 1906, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 1, 1906.*

##### PROMOTIONS IN THE NAVY.

Lieut. Commander William L. Rodgers to be a commander in the Navy from the 7th day of January, 1906, vice Commander Lewis C. Heilner, promoted.

Paul J. Bean, a citizen of Texas, to be an assistant civil engineer in the Navy from the 27th day of April, 1906, to fill a vacancy existing in that grade on that date.

Lieut. Thomas J. Senn to be a lieutenant-commander in the Navy from the 7th day of January, 1906, vice Lieut. Commander William L. Rodgers, promoted.

##### PROMOTION IN THE ARMY—CAVALRY ARM.

First Lieut. Ben H. Dorcy, Fourth Cavalry, to be captain from April 26, 1906, vice Whitman, Thirteenth Cavalry, detailed as quartermaster.

##### POSTMASTERS. CALIFORNIA.

T. W. Henry to be postmaster at Paso Robles, in the county of San Luis Obispo and State of California, in place of Alfred R. Booth, deceased.

D. F. Hunt to be postmaster at Santa Barbara, in the county of Santa Barbara and State of California, in place of Francis J. Maguire. Incumbent's commission expired March 18, 1906.

##### COLORADO.

Frank B. Thomas to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado, in place of John W. Wilson. Incumbent's commission expires June 2, 1906.

##### CONNECTICUT.

Isaac L. Trowbridge to be postmaster at Naugatuck, in the county of New Haven and State of Connecticut, in place of Isaac L. Trowbridge. Incumbent's commission expires May 21, 1906.

##### FLORIDA.

Dick M. Kirby to be postmaster at Palatka, in the county of Putnam and State of Florida, in place of Dick M. Kirby. Incumbent's commission expires May 13, 1906.

##### ILLINOIS.

John A. Leu to be postmaster at Highlands, in the county of Madison and State of Illinois, in place of Louis J. Appel. Incumbent's commission expires June 24, 1906.

W. W. Lewis to be postmaster at Greenville, in the county of Bond and State of Illinois, in place of Alexander L. Hord. Incumbent's commission expires June 7, 1906.

##### INDIANA.

Charles Carter to be postmaster at Converse, in the county of Miami and State of Indiana, in place of John W. Eward. Incumbent's commission expired December 12, 1905.

William C. Nichols to be postmaster at Lowell, in the county of Lake and State of Indiana, in place of Daniel Lynch. Incumbent's commission expires May 8, 1906.

##### IOWA.

Gordon R. Badgerow to be postmaster at Sioux City, in the county of Woodbury and State of Iowa, in place of Gordon R. Badgerow. Incumbent's commission expires June 30, 1906.

##### KANSAS.

P. Moore to be postmaster at Weir, in the county of Cherokee and State of Kansas, in place of Sydney W. Gould, deceased.

John McPherson to be postmaster at Blue Rapids, in the county of Marshall and State of Kansas, in place of John McPherson. Incumbent's commission expired March 14, 1906.

Thomas A. Sawhill to be postmaster at Concordia, in the county of Cloud and State of Kansas, in place of Thomas A. Sawhill. Incumbent's commission expired April 10, 1906.

##### KENTUCKY.

William A. Waters to be postmaster at Springfield, in the county of Washington and State of Kentucky, in place of William A. Waters. Incumbent's commission expired January 13, 1906.

##### MASSACHUSETTS.

Frederick B. Horne to be postmaster at Framingham, in the county of Middlesex and State of Massachusetts, in place of Frederick B. Horne. Incumbent's commission expires May 9, 1906.

Reuben K. Sawyer to be postmaster at Wellesley, in the county of Norfolk and State of Massachusetts, in place of Reuben K. Sawyer. Incumbent's commission expires June 2, 1906.

##### MICHIGAN.

E. Harvey Drake to be postmaster at Yale, in the county of St. Clair and State of Michigan, in place of James Wallace. Incumbent's commission expired March 19, 1906.

Hannibal A. Hopkins to be postmaster at St. Clair, in the county of St. Clair and State of Michigan, in place of Hannibal A. Hopkins. Incumbent's commission expired March 5, 1906.

John D. Smead to be postmaster at Blissfield, in the county of Lenawee and State of Michigan, in place of John D. Smead. Incumbent's commission expires May 9, 1906.

##### MINNESOTA.

John T. Hammar to be postmaster at Madison, in the county of Lac qui Parle and State of Minnesota, in place of John T. Hammar. Incumbent's commission expired April 5, 1906.

Frank B. Lamson to be postmaster at Buffalo, in the county of Wright and State of Minnesota, in place of Frank B. Lamson. Incumbent's commission expires June 28, 1906.

Fred A. Swartwood to be postmaster at Waseca, in the county of Waseca and State of Minnesota, in place of Fred A. Swartwood. Incumbent's commission expires June 10, 1906.

##### MISSOURI.

Henry A. Ayre to be postmaster at Oronogo, in the county of Jasper and State of Missouri. Office became Presidential April 1, 1906.

##### NEBRASKA.

John Cusack to be postmaster at North Bend, in the county of Dodge and State of Nebraska, in place of Charles A. Long. Incumbent's commission expires June 19, 1906.

Frank W. Wake to be postmaster at Genoa, in the county of Nance and State of Nebraska, in place of Frank W. Wake. Incumbent's commission expired March 1, 1906.

##### NEW HAMPSHIRE.

Fred H. Ackerman to be postmaster at Bristol, in the county of Grafton and State of New Hampshire, in place of Fred H. Ackerman. Incumbent's commission expires June 25, 1906.

##### NEW YORK.

Edward Bolard to be postmaster at Salamanca, in the county of Cattaraugus and State of New York, in place of John J. Inman. Incumbent's commission expired February 10, 1906.

Willard F. Sherwood to be postmaster at Hornell (late Hornellsville), in the county of Steuben and State of New York, in place of Willard F. Sherwood, to change name of office.

## OHIO.

Samuel H. Bolton to be postmaster at McComb, in the county of Hancock and State of Ohio, in place of Reuben A. Roether. Incumbent's commission expired March 13, 1906.

John H. Oakley to be postmaster at Ravenna, in the county of Portage and State of Ohio, in place of John H. Oakley. Incumbent's commission expired April 18, 1906.

Manning M. Rose to be postmaster at Marietta, in the county of Washington and State of Ohio, in place of Manning M. Rose. Incumbent's commission expires May 7, 1906.

Seth M. Snyder to be postmaster at Coshocton, in the county of Coshocton and State of Ohio, in place of Clifford B. McCoy. Incumbent's commission expires June 9, 1906.

E. R. Titus to be postmaster at Middleport, in the county of Meigs and State of Ohio, in place of Lewis O. Cooper. Incumbent's commission expires June 9, 1906.

## PENNSYLVANIA.

Silas C. Daugherty to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania, in place of Silas C. Daugherty. Incumbent's commission expired March 21, 1906.

Charles A. Dunlap to be postmaster at Manheim, in the county of Lancaster and State of Pennsylvania, in place of Charles A. Dunlap. Incumbent's commission expires May 29, 1906.

Richard M. Hunt to be postmaster at Houtzdale, in the county of Clearfield and State of Pennsylvania, in place of Richard M. Hunt. Incumbent's commission expires June 30, 1906.

Rudolph Neiman to be postmaster at Red Lion, in the county of York and State of Pennsylvania, in place of Rudolph Neiman. Incumbent's commission expired April 10, 1906.

John Scher, Jr., to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania, in place of John Scher, Jr. Incumbent's commission expires June 30, 1906.

Sydney S. Smith to be postmaster at Punxsutawney, in the county of Jefferson and State of Pennsylvania, in place of David M. McQuown. Incumbent's commission expired April 10, 1906.

## TEXAS.

John A. Gray to be postmaster at Laredo, in the county of Webb and State of Texas, in place of Frank H. Pierce, deceased.

## VERMONT.

Charles A. Parker to be postmaster at West Rutland, in the county of Rutland and State of Vermont, in place of Charles A. Parker. Incumbent's commission expires June 30, 1906.

## WEST VIRGINIA.

Mathew A. Jackson to be postmaster at Lewisburg, in the county of Greenbrier and State of West Virginia, in place of Mathew A. Jackson. Incumbent's commission expired March 15, 1906.

Horatio S. Whetsell to be postmaster at Kingwood, in the county of Preston and State of West Virginia, in place of Horatio S. Whetsell. Incumbent's commission expired April 11, 1906.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 1, 1906.*

## COLLECTORS OF CUSTOMS.

John Peterson, of Minnesota, to be collector of customs for the district of Minnesota, in the State of Minnesota.

Charles T. Stanton, of Connecticut, to be collector of customs for the district of Stonington, in the State of Connecticut.

## POSTMASTERS.

## GEORGIA.

Frederich D. Dismuke, Jr., to be postmaster at Thomasville, in the county of Thomas and State of Georgia.

## WYOMING.

Ida A. Hewes to be postmaster at Casper, in the county of Natrona and State of Wyoming.

Harvey Springer to be postmaster at Cambria, in the county of Weston and State of Wyoming.

## HOUSE OF REPRESENTATIVES.

*Tuesday, May 1, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill, to nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Indian ap-

propriation bill, to nonconcur in the Senate amendments, and ask for a conference.

Mr. WILLIAMS. Mr. Speaker, I object.

Mr. SHERMAN. Will the gentleman reserve his objection for a moment to hear an explanation of the matter?

Mr. WILLIAMS. It is hardly worth while to reserve it, but I will do it if the gentleman wishes to make a statement.

Mr. SHERMAN. I desire to inform the gentleman that I have consulted with the gentleman from Texas, the ranking minority member of the committee, and the course suggested is entirely agreeable to him. There are between two and three hundred amendments to the bill, and in the neighborhood of \$3,000,000 is added, so that the gentleman from Mississippi sees that it will take some considerable time in conference, and the sooner we get it there the better.

Mr. WILLIAMS. I understand.

Mr. SHERMAN. And I see no good could be gained by going into committee—

Mr. WILLIAMS. Mr. Speaker, still reserving the objection, I will state to the gentleman from New York that I saw in the Washington Post the other day where a girl out in Arizona had been asleep for seven weeks and waked up, but when she found that the sleeping statehood bill in the conference committee beat her record she went back to sleep again. I shall object, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi objects.

## CHANGE OF REFERENCE.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to change the reference of Senate bill 5572 from the Committee on Interstate and Foreign Commerce to the Committee on Merchant Marine and Fisheries. I have consulted with the chairman of that committee, and he makes no objection to the change.

The SPEAKER. It is in order to move, if the gentleman so desires.

Mr. GROSVENOR. If the gentleman from Mississippi objects, I shall simply do so.

Mr. WILLIAMS. The gentleman from Ohio had better move to save trouble.

Mr. GROSVENOR. Mr. Speaker, I move to change the reference of Senate bill 5572 from the Committee on Interstate and Foreign Commerce to the Committee on Merchant Marine and Fisheries.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read as follows:

S. 5572. An act to amend section 4348 of the Revised Statutes establishing great coasting districts of the United States.

The SPEAKER. The gentleman from Ohio moves that the reference to this bill be changed from the Committee on Interstate and Foreign Commerce to the Committee on Merchant Marine and Fisheries.

The question was taken; and the motion was agreed to.

## AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18537—the agricultural appropriation bill.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. GAINES of Tennessee. Mr. Speaker, a question of personal privilege.

The SPEAKER. The gentleman from New York [Mr. WADSWORTH] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. GAINES of Tennessee. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. There appears in this morning's Washington Post a report, purporting to be of yesterday's proceedings of the House, calculated to reflect upon me as a Member of this House and upon my standing as a Member of this House and upon the confidence that, as a Member of this House, the House should have in me, and which I am entitled to have. I beg the pardon of the House for taking up its time, but I feel somewhat grieved and aggrieved about it, and beg the indulgence of this honorable body.

Mr. DALZELL. Mr. Speaker, I think the House ought to have the article in advance of stating any question of personal privilege.

Mr. GAINES of Tennessee. I am just fixing to read it.

Mr. LIVINGSTON. Send it to the desk.



Mr. GAINES of Tennessee. It says, Mr. Speaker:

Mr. GAINES of Tennessee endeavored to be heard above the noise and confusion, Mr. WADSWORTH objecting to any further discussion of seeds under the paragraph relating to "animal industry." This angered the Tennessean, and as he sat down, by command of the Chair, he managed to say that the bill was loaded with all kinds of appropriations to take care of and suppress the "mouth and foot disease, hollow horn, and hollow tail," but took away from the farmer the few seeds that he every year looked forward to receiving.

This new outburst of eloquence on the part of Mr. GAINES threw the House into convulsive laughter. When the Members had partially recovered their composure Mr. GAINES rushed down the aisle, carrying a mass of manuscript in both hands, holding it aloft, shouting that he had hundreds of letters from farmers favoring free seeds.

As Chairman WADSWORTH reached out his hand for them, Mr. GAINES laid them on a desk and began pulling from the bunch various documents. It developed that among these "hundreds" of letters there were an unusually large proportion of bills of various sorts and other "pub. docs." that had no relevancy to the seed question.

Now, Mr. Speaker—

Mr. DALZELL. Mr. Speaker, I suggest that no question of personal privilege has been suggested.

Mr. GAINES of Tennessee. Will the gentleman wait until I get through, which will be in just a moment?

Mr. DALZELL. That article, I understand, is the basis of your—

Mr. GAINES of Tennessee. Suppose now that I say to the gentleman that I had a handful of letters from my constituents, and it proved to be a handful of documents, would he not think I was imposing upon him and the House—flat-footedly deceiving him?

Mr. DALZELL. Not at all.

Mr. GAINES of Tennessee. Of course he would.

Now, Mr. Speaker, to show that I did have the letters—

The SPEAKER. The gentleman will suspend.

Mr. GAINES of Tennessee. I say that it affects my official standing in this House—

Mr. DALZELL. Mr. Speaker, my point of order is that no question of personal privilege has been presented.

The SPEAKER. The Chair reads from the Manual:

A newspaper article in the nature of criticism of a Member's acts in the House does not present a question of personal privilege.

The Chair has listened to the reading of the article which the gentleman furnished him. In the opinion of the Chair it does not present a question of personal privilege.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent for five minutes in which to explain the matter.

The SPEAKER. The gentleman from Tennessee asks for five minutes to address the House in the nature of a personal explanation. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. I thank the House for this courtesy. Mr. Speaker, I sent out early in the year all or about all the seeds that the Department said were to my credit. After I had done this I received a great number of letters many of which I have here, and had with me in my hands in the House yesterday, which many of you saw, from people in and out of my district, asking me to send them seeds. I have now a large bunch of these letters in one hand, which you see, and many more are here on my desk in large envelopes, compressed by rubbers, so that I could bring them up to the House again for the purpose of convincing the Members that the great masses, the plain people at least, not only want these seed, but have written to me for them. These same letters I had in my hand yesterday in the House when I requested the gentleman from Connecticut to permit me to read a paragraph from one of them, to prove to him that the people do appreciate these seed.

I was not addressing the gentleman from New York [Mr. WADSWORTH] as the Post claims when I held up these letters. The RECORD shows, as the fact was, I was addressing the gentleman from Connecticut [Mr. LILLEY]. I was standing very near him, near the middle aisle, some distance from where I now stand, when I asked the gentleman from Connecticut to permit me to read from one of these letters, I grabbed up in each hand, from the desk in front of me, a number of these letters and held them in my hand, showing to him and my brother Members that I had received these letters and actually had them with me to demonstrate that the people not only wanted these seed, but had actually written to me for them, as some of the Members say they have no requests for seeds. When the gentleman from Connecticut declined to yield further, the gentleman from New York [Mr. WADSWORTH], came over to where I was standing, and to guy me, as the RECORD shows, he said:

You have a CONGRESSIONAL RECORD and a copy of the Agricultural Report in your hands.

I was not aware that I had anything but these letters in my hands. I laid down the letters and examined them and found that

underneath the letters in my hand was a CONGRESSIONAL RECORD, which I had accidentally picked up from the desk with the letters as I reached down with both hands to the desk in front of me where the letters were lying. In this way I had picked up the CONGRESSIONAL RECORD on which a bunch of my letters were lying. I had not picked up "an unusually large proportion of bills of various sort and other public documents that had no relevancy to the seed question," as the Post states. I had only those letters and this RECORD in my hand, which I had accidentally picked up, as just stated. I asked the gentleman from New York [Mr. WADSWORTH] to come and examine the letters, which he did not do. Others around me looked at them. I was acting in the utmost good faith, kept nothing concealed of which I had any knowledge, and everyone laughed—so did I—at the discovery the gentleman from New York made in finding the RECORD, as I have stated. But the manner in which the Post has reported this matter, however unintentionally it might have been done, does me great injustice, and hence I make this statement and shall now proceed to read some of these letters, to show that my constituents and others appreciate these seeds and actually wrote to me for them. I will read the first one lying before me, and as I come to them:

NASHVILLE, TENN., March 8, 1906.

Hon. J. W. GAINES, M. C.,  
Washington, D. C.

DEAR SIR: Your kindness in sending me seed in years past prompts me again to ask you to remember me again this year, and have me placed on list for a few seed. Remember me as your supporter and admirer. Wishing you continued success in your high and honorable position.

Respectfully, yours,

L. X. NANCE,  
Chief Operator, N. C. & St. L.

See list attached giving names of friends that you so kindly remembered last year:

Mrs. A. J. Nance, Sixth avenue, Nashville, Tenn.

Mrs. L. M. Nance, Laverne, Tenn.

Mrs. W. P. Davis, Beckwith, Tenn.

Mrs. E. M. Davis, Beckwith, Tenn.

Mrs. M. D. Nance, Beckwith, Tenn.

Here is a letter, Mr. Speaker, from the United Charities of Nashville, dated January 12, from Miss Fanny Battle, a good woman, the daughter of General Battle, who helped to teach me my alphabet:

THE UNITED CHARITIES,  
Nashville, Tenn., January 8, 1906.

Hon. JOHN W. GAINES,  
Washington, D. C.

DEAR WESLEY: We were made very happy by your communication regarding the seeds for the very poor. In their name we most cordially thank you.

I am very proud of you as my friend and my neighbor boy and my schoolboy. Many prosperous years to you.

Your friend,

FANNY BATTLE, Secretary.

Here is another letter in which she writes:

THE UNITED CHARITIES,  
Nashville, Tenn., January 12, 1906.

Hon. J. W. GAINES,  
Washington, D. C.

DEAR WESLEY: The seeds have arrived, and there is many a family in the factory districts here that will have cause to call you blessed. We, too, are very thankful that you have remembered them.

Yours, sincerely,

FANNY BATTLE, Secretary.

I wrote her to give them to the very poor, and she did it.

"In their name we most cordially thank you," she says; and then she speaks kindly of me. I will not read that.

I read a letter, Mr. Speaker, from Miss Mary McNellis, of Nashville, asking me to send some flower seed for the benefit of the Old Woman's Home. I sent her letter to Secretary Wilson, and here is his reply:

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF PLANT INDUSTRY,  
Washington, D. C., March 26, 1906.

Hon. J. W. GAINES,  
House of Representatives.

SIR: As requested in your favor of the 23d instant, I have taken pleasure in directing that you be credited with ten additional packages of flower seed, which will be sent to Miss Mary McNellis, 315 Ninth avenue north, Nashville, Tenn., at an early date.

Very respectfully,

B. T. GALLOWAY, Chief of Bureau.

Here is another from Miss Mary Woods, of Nashville, asking to send them some seeds:

NASHVILLE, TENN., January 20, 1906.

Hon. JOHN W. GAINES.

DEAR SIR: On behalf of the Centennial Club I wish to thank you for the seeds and plants which came to us from the Agricultural Department as a response to your kind request. From your first letter in reply to one of mine you said you feared you could not get any more as we were late with our request, and when the plants came we were not only gratified but surprised.

We wish also to thank you for what you say in regard to Niagara. The whole nation would be grieved and mortified should such a magnificent spectacle be destroyed.

Very truly,

MARY WOODS, Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF PLANT INDUSTRY,  
Washington, D. C., January 16, 1906.

Hon. J. W. GAINES,  
House of Representatives.

SIR: I beg to acknowledge the receipt of your favor of the 12th instant, transmitting a letter from Miss Mary Woods, secretary of the Centennial Club, Nashville, Tenn., who asks for seeds, plants, etc., to beautify the children's gardens at Nashville. I have taken pleasure in directing that a collection of shrubs and also a supply of flower seed be forwarded to Miss Woods and trust the same will prove of service.

Very respectfully,

B. T. GALLOWAY,  
Chief of Bureau.

Here is a letter from Rev. William M. Green, a preacher in the city of Nashville, asking me to send him some seed:

NASHVILLE, TENN., February 20, 1906.

Hon. JOHN WESLEY GAINES.

MY DEAR SIR: My little granddaughter asked: "Is Mr. GAINES still in Washington?" "Yes," I answered, "and working like a beaver." "Well, then," said she, "write to him that if he has any seeds left I would like to have some, and will be much obliged." So there you have it.

Would it not satisfy China if our Government should agree to permit 500 laborers to come over annually, and that we will not permit more than 500 of our laborers to go over there to settle permanently? Hope you are well and happy.

Yours, indeed,

WM. M. GREEN,  
901 Villa Place.

Here is one from Hackberry, Tenn.; a good name, Mr. Speaker, showing that these seeds go where the hackberry bushes are, and where some of the yeomanry and good citizens of my State are. [Great laughter and applause.]

HACKBERRY, TENN., February 25, 1906.

JOHN W. GAINES,  
United States Department of Agriculture.

SIR: We planted some of your seeds last year; it was the finest we ever had. We intend to plant some of them this year. You said please report the result of our trial to this Department.

MISS HULDAH LYLE,  
Hackberry, Tenn.

I will read two from Mr. Parks, who has ridden all over the tobacco section of Tennessee and Kentucky fighting the tobacco trust:

PORT ROYAL, TENN., March 14, 1906.

Hon. JOHN W. GAINES.

MY DEAR SIR AND FRIEND: For a long time I have been looking for the garden seed to come to hand. They fail to come to hand. I am very much disappointed. Many of my lady friends are expecting them, and are after me almost daily about them, and that is why it bothers me for them not to come.

I have been over the country so much lately, and could have handed them out to my friends, and especially to those who are the least able to buy.

I inclose you a list of bulletins. Kindly have them sent to George D. Corbin, Greenbrier, R. F. D. 2, Robertson County. I want him to have a bulletin on grafting and budding. I want him to have all you can give him about the orchard. Kindly send Year Book. Will appreciate it if you will also send some bulletins to J. D. Sherer, Greenbrier, R. F. D. No. 2. Both are my friends, and will appreciate what you can do for them. They are anxious to learn all about the orchard.

I spent the night with Mr. Corbin last week. Mrs. Corbin fed me on canned Indian peaches, and I never ate better, and I want to do all in my power to help them.

I have lots of friends who have fed me through our great tobacco fight, and that is one of the main reasons I am so anxious about getting a big lot of seed of all kinds for them.

Your friend,

JNO. D. PARKS.

PORT ROYAL, TENN., April 16, 1906.

Hon. JOHN W. GAINES.

MY DEAR SIR: Your valued favor of March 22 received, in which you quoted letter from the seed department, saying they were rushed and would send out seed in a week or ten days. They did not reach me until 10th of April, and they were appreciated by those who I gave them. I did not have half to give near all those who had been feeding me and my faithful little horse through our great tobacco fight so long. And now I am bothered no little for those who have been so faithful to me to be expecting something from me they need, and not be able to furnish them.

When I noticed 38,000,000 packages of seed would be subject to the order of Representatives for distribution, to begin in December, 1905, I felt encouraged to feel like I would make lots of my good lady friends feel like I was trying to help them, and especially show in efforts and actions I had appreciated what they had done for me. It just looks sometimes like I have made the greatest failure of any man. It just begins to look like it is no use to make any great effort beyond what I can do with my own hands, and you know it is a slow go to get things down to such a point as that. I will try and work and hope for better conditions in the near future.

I am, your friend,

JNO. D. PARKS.

Here is one from Antioch, near my old home:

ANTIOCH, TENN., March 1, 1906.

Mr. GAINES.

DEAR FRIEND: I got your free seed last year, and they did mighty well, and I thank you for them, and if you have any beet seed to give away I would be thankful if you would send me a paper of the blood turnip-beet seed. I haven't got any and can't get them; and if you have them, send a paper of four-o'clock seed. I am a poor old woman, and have one arm broken, and can't work to buy any seed. Send me the seed, if you please, and oblige a friend. If you send the seed, direct this way: Mrs. W. F. Jones, Antioch, Tenn., R. F. D. No. 16, and oblige a friend, Mrs. W. F. Jones, and if you have them to give away, please send them as soon as you can.

Note, gentlemen, that she says she is a widow and without money. "I am a poor old woman and have one arm broke and can't work to buy any seed." [Applause.] I didn't have any to send, gentlemen, but I asked Secretary Wilson to send them and wrote her the following letter:

MARCH 10, 1906.

Mrs. W. F. JONES,  
R. F. D. No. 16, Antioch, Tenn.

DEAR MADAM: your letter of recent date to hand, and I regret to say that I am entirely out of both garden and flower seed. I have, however, written to the Department of Agriculture requesting them, if possible, to send you some seed, which I sincerely trust they can do.

Am sorry that your letter did not reach me before all of mine were mailed out.

With best wishes, I am, yours, very respectfully,

Here is another one from H. C. Singleton, of Nashville:

NASHVILLE, TENN., January 27, 1906.

Hon. J. W. GAINES, M. C., Washington, D. C.

DEAR SIR: As one of your constituents, I beg the privilege of requesting you to add my name to the list of those to whom you may send farm and garden seeds, especially the latter; also flower seeds, plants, etc. I would appreciate anything in this line you may be able to send me from time to time. With highest regards, I am,

Very respectfully, yours,

H. C. SINGLETON,  
No. 955 Woodland street, Nashville, Tenn.

Here is one from one of the editors of the Nashville American, which the correspondent of that paper asked me to send him:

THE NASHVILLE AMERICAN,  
Nashville, Tenn., January 5, 1906.

Hon. JOHN W. GAINES,  
Washington.

DEAR MR. GAINES: Many thanks in behalf of myself and Mrs. Ewing for the seeds.

I trust you will have a happy and prosperous year, and that you may not overwork yourself.

Very sincerely,

WM. J. EWING.

Here is one from W. A. Sears, of the Nashville Banner:

THE NASHVILLE BANNER,  
Nashville, Tenn., January 22, 1906.

Hon. JOHN W. GAINES,  
Washington, D. C.

DEAR SIR: Will you kindly remember "the pauper" this year with a package of vegetable and flower seeds?

Very truly, yours,

W. A. SEARS,  
Nashville Banner, Nashville, Tenn.

Here is one from Mrs. Eli Morris, a widow [applause]—the widow of one of my best friends, now dead and in heaven:

NASHVILLE, TENN., March 29, 1906.

MY DEAR MR. GAINES: Since writing my mother, Mrs. Elkin, so beautifully about "our" Eli, she wants me to ask you again to send her flower and garden seeds. Hoping you can do this without any inconvenience, and that you are well and happy, I am,

Sincerely,

Mrs. ELI MORRIS.

Miss Sue Ella Brown, Clarksville, Tenn., says:

Please send me a collection of seed. I have tried seed from the Department and they are very fine.

Mrs. J. W. Hagerwood, Sobel, Tenn., says:

The flower seed and other seeds you sent me last year proved very satisfactory. You asked me to let you know how I liked them. They all did just as nice as they could, garden seed and all. Please pardon me for not replying sooner, and please send me some more seed.

Prof. John S. Daniel, Vanderbilt University, Nashville, Tenn., writes:

I shall thank you very much if you will have the Agricultural Department send me some nitro culture for alfalfa. I should like to get a small culture to test right away, and also a large culture to use on several bushels of seeds to plant 15 acres in March.

Mrs. Annie Castleman, Pollman avenue, Nashville, Tenn., says:

I thank you most heartily for those seed you sent me last year. They thrived and did fine.

She asks for more and some for her neighbors.

Mr. Henry F. Beaumont, Nashville, Tenn., asked me for some seed for his wife, and adds this:

Mrs. Beaumont wishes to have a good garden this year and she thinks Government seeds are the only kind that will produce the results she desires.

I have a great number of letters here asking for tobacco seed. I have another here from Mr. M. F. Bailey, Dover, Tenn.—Stewart County—who asked me for some rape seed. I sent the letter to the Department. He wanted 10 pounds for experimental purposes. I have here copies of my letter to Mr. Bailey and one to Secretary Wilson, asking that the seed be sent.

I haven't the time, Mr. Speaker, to read more of these letters. Here are a great number of them on my desk. Anyone may read them who desires. I had them with me yesterday; they are the same letters that I held in my hand when, by the accident, as stated, I picked up the RECORD with them.

You can see from this, gentlemen, the great injustice that this publication does me, and how it would tend, unexplained, to mislead the readers of the Post. I have nothing more to say,



for the present, although I would like to read all these letters. [Loud applause.]

And now, by way of extension of my remarks, through the courtesy of the House, I will print a few of these letters:

HON. J. W. GAINES, M. C.,  
Washington, D. C.  
CLARKSVILLE, TENN., February 21, 1906.

DEAR SIR: I want you to procure for me from the seed or Agricultural Department some tobacco seed of the Cuban or Brazilian type. I do not know the name of variety, but what I want is the largest leafiest variety of a tobacco that has that peculiar Havana flavor. Please guess at balance, and send me enough seed to sow 100 square yards.

Respectfully,

ED. G. DUNLAVY.

HON. J. W. GAINES: Please send me some one sucker tobacco seed, and some good type of some other kind.  
Your friend,  
A. G. WILLIAMS, Farmer.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF PLANT INDUSTRY,  
Washington, D. C. February 13, 1906.

HON. JOHN W. GAINES,  
House of Representatives, Washington, D. C.

SIR: We have your favor of the 2d instant, inclosing a letter from Mr. A. G. Williams, R. F. D. 4, Springfield, Tenn., requesting some one-sucker tobacco seed.

We regret to say that we have no seed of this variety on hand for distribution, but have forwarded to Mr. Williams samples of some other varieties which we think well adapted to his locality.

Very respectfully,

B. T. GALLOWAY,  
Chief of Bureau.

OFFICE OF J. S. DOWLEN & SON,  
Springfield, Tenn., January 20, 1906.

HON. JOHN W. GAINES.

MY DEAR SIR: Your letter of some time since to hand; it got mislaid among some papers, hence I have not written you. If you have made no arrangements about the seed for our neighborhood, the post-office having been absorbed by rural deliveries, will make you this proposition: You send the seed to J. S. Dowlen & Son, and I will see that they are distributed among the different families. If you send any, send enough for 300 families, that none may be neglected.

Yours, very respectfully,

J. S. DOWLEN & SON,  
By TONY DOWLEN.

Mr. J. W. GAINES: Please send garden seeds to the following names: A. B. Carpenter, F. A. Carpenter, Beverley Carpenter, Mollie Carpenter, P. G. Carpenter, M. J. Carpenter, Aubrey Mackey, Ella Mackey, Guthrie, Todd County, Ky., Route 5; Mrs. Florence M. Harris, R. W. Harris, Anderson Harris, Fred Harris, Frankie Harris, Trenton, Todd County, Ky., Route 3.

HON. J. W. GAINES, M. C.

DEAR SIR: Please send me some garden seeds, and oblige,  
Yours, faithfully,

WILTON SAWYER,  
West Nashville, Tenn.

JANUARY 17, 1906.

Mr. WILTON SAWYER,

R. F. D. No. 5, West Nashville, Tenn.

DEAR SIR: Your letter of recent date just received, and I have requested the Department of Agriculture to send you the garden seed asked for.

Yours, very truly,

JANUARY 17, 1906.

Mr. B. T. GALLOWAY,  
Chief of Bureau, Washington, D. C.

SIR: Please send one package of garden seed to Wilton Sawyer, R. F. D. No. 5, West Nashville, Tenn., box 70, using my franked slip herewith inclosed.

Yours, very respectfully,

JANUARY 12, 1906.

The honorable SECRETARY OF AGRICULTURE,  
Washington, D. C.

SIR: Mr. Clay Burnell, Guthrie, Ky., wants some Alfaro de Cuba tobacco seed. Will you please send them to him, if in your power, using the inclosed franked slip.

I inclose you his letter of request, and ask you to return same.

Yours, very respectfully,

INDIAN MOUND, TENN., March 8, 1906.

HON. JOHN W. GAINES, M. C.,  
Washington, D. C.

DEAR SIR: Please forward one package of garden seed, and oblige,  
Yours, truly,

W. A. HALL.

CANEYSRING, TENN., February 16.

Mr. JOHN GAINES.

DEAR SIR: I saw in the Weekly American your announcement about distribution of tobacco seed. I desire to plant some tobacco this year, and, if you please, send me a package just as soon as you can, for I am in a hurry to plant.

Sincerely, yours,

L. D. POWELL.

GUTHRIE, KY., January 9, 1906.

HON. JOHN WESLEY GAINES.

DEAR SIR: I want to ask a favor of you. I wish you would send me some Alfaro de Cuba tobacco seed. I want them to raise some

smoking tobacco. Will give you some when you are at some of our tobacco meetings next fall, such as we had at Guthrie and Trenton, Ky.; so will close, wishing you success with your tobacco bill.

Very respectfully,

CLAY BAUME.

OFFICE OF DIEHL & LORD,  
Nashville, Tenn., January 4, 1906.

DEAR SIR AND FRIEND: I would be pleased if you send William Kirkpatrick, 48 Green street; John Prinz, 67 Maury street, and Lorain McDaniel, care of Diehl & Lord, some seeds; Joseph Kight, care of Diehl & Lord, some seeds. They will surely appreciate same. I wish you all the good luck you might wish yourself in the new year.

Yours,

ADAM DIEHL.

DEEP SPRING, TENN., March 6, 1906.

JOHN WESLEY GAINES.

KIND SIR: Please send us some garden seed, and oblige Joe Griffin, Annie Griffin, W. R. Harper, M. G. Harper, all of Deep Spring, Cheat-ham County, Tenn.

Yours, truly,

JOE GRIFFIN.

JANUARY 20, 1906.

Mr. B. T. GALLOWAY,  
Chief of Bureau, Washington, D. C.

DEAR SIR: Please send one package garden seed to James B. Williams, Goodlettsville, Tenn.

I inclose you franked slip for same.

Yours, very respectfully,

JNO. W. GAINES.

MARROWBONE, TENN., April 23, 1906.

HON. J. W. GAINES.

MY DEAR SIR: I would appreciate some of your latest watermelon and muskmelon seeds if you will send them to me.

Yours, respectfully,

J. W. OWEN.

FEBRUARY 7, 1906.

DEAR SIR: Will you please procure me a few tobacco seed from the Agricultural Department of the United States? Will thank you in advance for your trouble.

Respectfully,

JAS. M. GUNN,  
Normandy, Tenn.

DEAR SIR: Please send me some garden seeds, and oblige,

Yours, truly,

H. H. HOGAN,  
Lebanon, Tenn.

NASHVILLE, TENN., January 19, 1906.

JOHN W. GAINES.

DEAR SIR: Please send me some of those flower and vegetable seeds. Thanking you very much for same, I am,  
Respectfully, yours,

Mrs. BARBARA MCGARIGLE.

P. S.—Please send beans and sweet-corn seed, if you have them.

Oblige,

B. M.

Mr. J. W. GAINES: Please send us some garden seeds to names as follows: Mrs. E. Markey, Aubrey Markey, Mollie Carpenter, Sidney Douglas, Alf Douglas, Henry Douglas, Parthena Douglas, Welton Douglas, Guthrie, Todd County, Ky., route 5, in care of Carpenter.

DOTSONVILLE, February 5, 1906.

HON. J. W. GAINES.

DEAR SIR: I am desirous of finding out the cause of your quitting me and sending seeds for distribution to Sam O'Neal. Have I ever turned my back on your enemies? Have I done anything to cause this? Please answer and oblige.

Yours, respectfully,

FRANK BATTLE.

NOLANSVILLE, TENN., January 21, 1906.

HON. J. W. GAINES.

DEAR SIR: Please send me a variety of garden and vegetable seed (flower seed) and greatly oblige

Your friend,

Mrs. L. H. BATTLE.

APRIL 12, 1906.

Mr. J. W. GAINES: Please send some garden seeds to the following names: A. B. Carpenter, P. G. Carpenter, Frank A. Carpenter, Aubrey Mackey, Ella Mackey, M. J. Carpenter, Guthrie, Todd County, Ky., Route 5.

Mrs. Florence Harris, Robert Harris, Frankie Harris, Anderson Harris, Mrs. Bettie Harris, Alex. Harris, Trenton, Todd County, Ky., Route 3.

P. S.—Please send me some flower seeds.

MOLLIE CARPENTER,  
Guthrie, Todd County, Ky.

ANTIOCH, TENN., January 31, 1906.

HON. JOHN W. GAINES, M. C.

DEAR FRIEND: Several of your friends and mine asked me to write to you and ask you if you please, sir, to send them some garden seed, as all are farmers. Their names are as follows: Ed. Hartman, F. W. Morgan, S. H. Morgan, D. Morgan, J. H. Morgan, T. L. Morgan, W. E. Morgan, W. L. Morgan, and Thos. S. Thomas. Do this and oblige your friends. Please direct the seed all to me for distribution. Now, hoping that you are well and still after the rascals.

I am still your friend and wellwisher.

T. D. MORGAN.

FLAT ROCK, TENN., March 29, 1906.

JNO. W. GAINES.

DEAR FRIEND: About January 2 I sent you a list of about fifty names for you to send seed to, and I have not heard from you since that time. I shall be glad to hear from you and to know if you got the list of names. I hope you are well.

With best wishes and regards, I am,

Yours, truly,

CALEB HILL.

Senator GAINES.  
NASHVILLE, TENN., April 4, 1906.  
DEAR SIR: Please send me the following flower seeds: Sweet peas, peonies, carnations, lilies of the valley, violets, buttercups, and chrysanthemums.  
Yours, truly,  
Miss C. E. HODGKINS.

Hon. J. W. GAINES.  
NASHVILLE, TENN., January 28, 1906.  
DEAR SIR: Please send me an assortment of garden and flower seed, and oblige.  
Your friend,  
A. M. WATSON.

Hon. J. WESLEY GAINES,  
Washington, D. C.  
NASHVILLE, TENN., February 27, 1906.  
DEAR SIR: Some time ago you told me to write you a card to remind you to send me some garden and flower seed. I would appreciate your trouble if you would forward them to me at once.  
Your friend,  
Mrs. JESSIE PHILLIPS SCIRALLY.

Mr. J. W. GAINES.  
BRENTWOOD, TENN., February 22, 1906.  
MY DEAR SIR: Will you please remember me when you send out your annual garden seeds.  
Yours, very truly,  
BUIST RAINS.

J. W. GAINES, Esq.  
NASHVILLE, TENN., March 19, 1906.  
DEAR SIR: I would be pleased to have you send me some flower seeds, as I have no room for garden seeds, and kindly oblige.  
Yours, truly,  
ALBERT J. BROOKER, Jr.

Hon. JOHN W. GAINES.  
WHITE HOUSE, January 24, 1906.  
DEAR SIR: As some of your constituents and warm supporters, we would be pleased to share in your allotment of garden seeds, and oblige.  
Yours, respectfully,  
T. B. WEBB.  
J. A. COLLIS.  
A. B. BRINKLEY.

Hon. J. W. GAINES: Please send garden and flower seeds to Miss Kate Jones, Goodlettsville, Tenn.  
JANUARY 20, 1906.  
Mrs. R. T. PERRY,  
Saundersville, Tenn.

Mr. B. T. GALLOWAY,  
Chief of Bureau, Washington, D. C.  
JANUARY 25, 1906.  
DEAR SIR: Inclosed I hand you a letter just received—Mr. John C. Vertrees, R. R. No. 21, Goodlettsville, Tenn., requesting me to send him some garden seed.  
Please read over his letter and send him the seed called for.  
Inclosed franked slips for the same.  
Yours, very respectfully,

NASHVILLE, TENN., March 8, 1906.  
Hon. J. W. GAINES, Washington, D. C.  
DEAR SIR: Will you kindly favor me with some flower seed? If so, in the future if I can be of service to you in any way, I will gladly return the compliment.  
Yours, truly,  
LITTON ALLEY.

Hon. J. W. GAINES: Please send me some of your free sample flower seeds, and oblige.  
Mrs. M. HILLIARD.

NASHVILLE, TENN., December 15, 1905.  
Hon. J. W. GAINES.  
DEAR SIR: I would like for you to send me some garden seed, as I want to try and see what I can do in that line this coming spring. I would like as many kinds as you can send, as I have a large garden spot.  
Mrs. J. W. HARTLEY.

PORTLAND, TENN., March 1, 1906.  
Mr. GAINES, Washington, D. C.  
DEAR SIR: Some time ago I wrote and asked you to send me some tobacco seed, and I received your letter of February 15 to the effect that you had requested the Department of Agriculture to send me the same, but I have not received it yet. Will you please see to it and oblige.  
Yours, respectfully,  
W. J. LEHMANN.

FEBRUARY 15, 1906.  
Hon. JOHN W. GAINES.  
SIR: Will you kindly send me a pack of your tobacco seed, and oblige  
BILL JACKSON,  
Cayce, Stewart County, Tenn.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF PLANT INDUSTRY,  
Washington, D. C., February 17, 1906.  
Hon. JOHN W. GAINES,  
House of Representatives, Washington, D. C.  
SIR: I beg to acknowledge receipt of your favor of recent date, inclosing a letter from Mrs. William A. Buntin, 114 North Spruce street, Nashville, Tenn., giving a list of names of tobacco growers who are de-

sirous of obtaining seed suitable to the dark-tobacco district of Robertson County. We also note that you inclose franks addressed to the parties in this list, and we take pleasure in forwarding a supply of seed under same.

Very respectfully,

B. T. GALLOWAY,  
Chief of Bureau.

NASHVILLE, TENN., January 19, 1906.  
Hon. J. WESLEY GAINES.  
DEAR FRIEND: A number of your constituents have asked me to write to you and ask you to send them some garden seed. We will plant the seed, and hope to let you reap the fruit thereof.  
John T. Ahearn, T. H. Morton, T. D. Morton, Henry Kline, A. A. Doak, waterworks department, and John Keegan, 1305 Grundy street, Nashville, Tenn.

Assuring you that we are, as ever, yours, truly,

ARCH DOAK.

JANUARY 26, 1906.  
Hon. JAMES WILSON,  
Secretary of Agriculture, Washington, D. C.  
DEAR MR. WILSON: I inclose you a letter of special importance, addressed to my former secretary, General McCord. It is from our personal friend Miss Nellie Coode, 1310 North High street, Nashville, Tenn. As other good women of Nashville are doing in the aristocratic portion, you might say, Miss Coode is trying to beautify the yards among the common people of North Nashville, which work is a very beautiful charity.  
Can you not, my faithful friend, send her some seed for this purpose? I trust you can.

Yours, very truly,

WEST NASHVILLE, TENN., April 9, 1906.

Hon. J. W. GAINES,  
Washington, D. C.:  
Please send me some flower seeds.  
Yours, truly,  
BESSIE TRENT.

NASHVILLE, TENN., March 18, 1906.  
Hon. JOHN WESLEY GAINES, Washington, D. C.  
DEAR SIR: Kindly send me some garden seed. I want these for Crocker Springs.  
Yours, truly,  
W. P. READY.

JANUARY 12, 1906.

Hon. SECRETARY OF AGRICULTURE,  
Washington, D. C.  
SIR: Inclosed I hand you letter received to-day from G. N. Allen, Nashville, Tenn. I wrote him that my supply of flower seed was exhausted, but that you would mail him two packages of garden seed. I inclose you franked slips for same.  
Yours, respectfully,

JANUARY 31, 1906.

Mr. B. T. GALLOWAY,  
Chief of Bureau, Washington, D. C.  
DEAR SIR: Inclosed I hand you a letter from John E. Fisher, requesting me to send him some flower seed. You will see from his letter that his preference is for sweet peas.  
Would appreciate it very much if you will send these, using the inclosed franked slips.  
Yours, very respectfully,

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY,  
OFFICE OF CLAIM AGENT,  
Nashville, Tenn., January 20, 1906.

Hon. J. W. GAINES,  
Washington, D. C.  
DEAR SIR: If the supply is not exhausted I will appreciate a few seeds for a suburban garden. Thanking you, I am,  
Yours, truly,  
R. M. BARNES.

NASHVILLE, TENN., January 22, 1906.  
Hon. JOHN WESLEY GAINES, M. C.,  
Washington, D. C.  
DEAR SIR: Will you kindly put my name on your mailing list for Government seed and oblige.  
Very respectfully,  
THOMAS L. BILES.

JANUARY 12, 1906.

The honorable SECRETARY OF AGRICULTURE,  
Washington, D. C.  
SIR: Inclosed please find a letter from E. J. Adkisson, R. F. D. No. 13, West Nashville, Tenn., requesting me to send him some garden seed, as well as other parties mentioned in his letter.  
Please send each of the parties two packages of each and charge to my quota.  
Yours, very respectfully,

MATCH, TENN., February 15, 1906.  
Hon. JOHN W. GAINES.  
DEAR SIR: I noticed in the Nashville American where you were distributing tobacco seed. I wish you would send me a package of Brazil tobacco seed, as I want to plant a tobacco crop this year; and oblige,  
Yours, truly,  
J. A. CROWE.

LIBERTY, TENN., February 5, 1906.  
Hon. JOHN W. GAINES.  
SIR: Please send me a package of tobacco seed. I want the wide-leaf, heavy tobacco.  
T. G. BRATTEN.



Mr. JOHN WESLEY GAINES.

KIND GENTLEMAN: I am told if I ask you that you will send me an assortment of garden seeds, and I gladly accept the opportunity, asking you for the following: Pole beans, bunch beans, lettuce, tomatoes, cucumbers, early corn, bunch butter beans, pepper, okra, and mustard. Thanking you very much,  
I remain,

Mrs. J. N. PUCKETT.

NASHVILLE, TENN., February 13, 1906.

Mr. JOHN WESLEY GAINES.

DEAR SIR: I would appreciate the courtesy very much if you will send me some flower and garden seeds. I am a Democrat and a defender of the old Confederates. I am in the 6-A grade at the Caldwell School.

Very respectfully,

MAURICE WAIN.

GOODLETTSVILLE, TENN., February 23, 1906.

Hon. JOHN WESLEY GAINES,  
Washington, D. C.

DEAR SIR: I have been requested by patrons to ask you to send me some garden seed for distribution. Thanking you in advance for same, remain,

Very respectfully,

Dr. J. P. WILLIAMS.

HAMPTON STATION, TENN., March 26, 1906.

Hon. JOHN W. GAINES.

DEAR SIR: I write to ask you to send me an assortment or different varieties of garden seed, if you please.

Awaiting an early reply,

Sincerely, yours,

JOHN F. JOHNSON.

CLARKSVILLE, TENN., February 1, 1906.

Mr. JOHN WESLEY GAINES.

DEAR SIR: I see published in the Nashville Banner that they will distribute tobacco seed through Representatives of the State. You will please send me some of the dark kind that will suit this locality.

Yours, respectfully,

H. C. LONG.

FEBRUARY, 25, 1906.

Mr. Ed G. DUNLAP, Clarksville, Tenn.

DEAR SIR: Yours of the 24th instant to hand, and I have instantly requested the Department of Agriculture to send you some tobacco seed. If you do not receive them promptly, let me hear from you.

Yours, very respectfully,

FEBRUARY 24, 1906.

Mr. B. T. GALLOWAY,  
Chief of Bureau, City.

DEAR SIR: Please send one package tobacco seed to Mr. Ed G. Dunlap, R. R. No. 1, Clarksville, Tenn., using the inclosed franked slip.

Yours, very respectfully,

#### AGRICULTURAL APPROPRIATION BILL.

The motion of Mr. WADSWORTH was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. FOSTER of Vermont in the chair.

The Clerk read as follows:

General expenses, Bureau of Plant Industry: To investigate fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, in cooperation with other branches of the Department, the State experiment stations, and practical farmers; to study plant and orchard diseases and demonstrate the treatment of same; to study plant physiology in relation to crop production and the origination and improvement of crops by breeding and selection; to investigate and encourage the adoption of improved methods of farm management and farm practice; to investigate the feeding value of farm crops and the use of fertilizers; to investigate the causes of decay in forest timber and timber used for construction purposes, and to devise means for preventing the decay of the same; to investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other micro-organisms in soils and in the root tubercles of leguminous and other plants; to cultivate and distribute these nitrogen fixers; to study and find methods for preventing algal and other contaminations of water supplies; to carry on special investigations of the conditions of grain production, handling, grading, and transit, and of the means of improving the same; to model fruits, vegetables, and other plants, and furnish duplicate models to the experiment stations of the several States, as far as found practicable; to investigate the methods of harvesting, packing, storing, and shipping fruits and vegetables, and for experimental shipments of fruits and vegetables within the United States and to foreign countries; and such fruits, vegetables, packages, and packing materials as are needed for these investigations and experimental shipments may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such fruits, vegetables, and materials toward the continuation and repetition of these investigations and experimental shipments, and such moneys shall be available until used; to cultivate and care for experimental gardens and grounds, manage and maintain conservatories, greenhouses, and plant and fruit propagating houses; to enable the Secretary of Agriculture to continue the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 18, 1900; to investigate and report on the cost of making tea and the best method of cultivating and preparing the same for market; to investigate and develop the domestic production of sugar-beet seed and the best methods of increasing the tonnage of sugar beets; to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum and other sugar-producing plants; to collect, purchase, propagate, test, and experiment with rare new seeds, bulbs, trees, shrubs, vines, cuttings,

and plants; for the employment of investigators, local and special agents, agricultural explorers, experts, clerks, illustrators, assistants, student or scientific aids, foremen, gardeners, merchants, and all other labor and scientific assistance required in conducting investigations and experiments in the city of Washington and elsewhere. And the employees of the Bureau of Plant Industry outside of the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against all after the word "countries," in line 9, page 19, down to and including the word "used," in line 17 of the same page, on the ground that it changes existing law. The provision relates to the expenditure of the appropriation which the paragraph carries. There is no legislation authorizing the Secretary of Agriculture to go into the markets of the country for the purpose of buying fruits to pack and ship to other markets in this country or to foreign countries, and authorizing him to make sales in any of the markets of the world and to use the proceeds of those sales for a repetition of the transaction. There are abundant provisions in the paragraph authorizing the investigation of the art of packing and shipping fruit. My point of order applies only to that provision which directs the Secretary of Agriculture to buy fruits and farm products for the purpose of shipment into domestic and foreign markets, and to use the proceeds for the repetition of the transaction. There is no law authorizing it. It is no part of agriculture within the meaning of the statutes. It is necessarily and essentially a part of commerce. Therefore, Mr. Chairman, I think the point of order ought to be sustained.

Mr. WADSWORTH. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded by the chairman of the committee, and the Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I call attention to a typographical error in the second word of line 25, on page 18. It should be spelled "algæ" instead of "algal."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Change the spelling of the second word in line 25, page 18, so that it will read "algæ."

The CHAIRMAN. If there be no objection, the Clerk will make the correction.

There was no objection.

Mr. BROOKS of Colorado. Mr. Chairman, I move to strike out the last word. I should like recognition at this time for fifteen minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to continue his remarks for ten minutes. Is there objection?

There was no objection.

Mr. BROOKS of Colorado. Mr. Chairman, I listened yesterday with considerable interest to the fervid and sometimes rather hysterical eloquence of the gentlemen who were rushing in rapid procession to express allegiance to the interests of the farmers and the men who toil; and, incidentally, to express their appreciation of the work of this Department. Now, gentlemen, I realize that the period of nominating conventions is at hand, and therefore I trust that all the remarks of all the gentlemen may be as seed sown in good ground; that they may bring forth fruit, and that the results may abundantly justify the expectation at the time of harvest.

I yield to no man in my regard for the agricultural industries of this country—the great forces that are making for national prosperity. These gentlemen do not say anything on behalf of those interests in general, that I would not say if I could. But I am bound to take issue with them on some of the conclusions that they draw. I recognize as thoroughly as they do that agriculture is the great primary source of productive wealth. I recognize more, that its prosperity is the necessary and essential condition of national prosperity, advancement, and growth. I recall that the classic and Chinese mythologies gave to agriculture a divine origin, and that, in order further to dignify the subject, they brought from the heavens a god to teach its mysteries to mankind. I am inclined to think, however, that our latter-day, twentieth century, practical point of view gives even more distinct recognition, when it devotes to the study of agricultural problems, as it does, this body of trained scientists who for the last twelve years have been shedding so much luster on the Department of Agriculture and giving so much of reputation and distinction to it.

I believe in the Department of Agriculture. I believe thoroughly in its work. I believe in its great Secretary, who started it on its career of advancement and growth and who

for nearly ten years has so ably directed its progress. I believe in the men who are under Secretary Wilson, the able heads of departments, and in the faithful and energetic men who are working under them. The work fascinates me. It appeals to me. It appeals to my imagination. It appeals to my hopes of the future of this country. It appeals to my sense of duty to the people, and the constituents whom I have the honor to represent. I am not afraid of the man with the hoe, and I have no fears of the militant farmer. I am not alarmed at the size of these appropriations. They seem very small, comparatively, entirely reasonable, and abundantly justified by the work the Department has been doing.

Without going too much into detail, I should like to call the attention of the committee briefly to a few of the results of this work before saying anything on this question of free garden seeds which we are discussing.

#### THE AMERICAN PEOPLE AND THE DEPARTMENT OF AGRICULTURE.

The American farmer is by no means a babe in swaddling clothes. Given a fair start and an open field he can take care of himself; but his work can be vastly facilitated, his efficiency tremendously increased, and the highest interests of every citizen of the country promoted by the guidance, suggestion, and helpful advice of such bureaus as have been established in the last twelve years.

It was Mark Twain who said that the cauliflower was a cabbage with a college education, and it has been the function of the national Department of Agriculture to give college educations not only to the cabbage, but to the orange and the sugar beet, the wheat of Minnesota and the tobacco of Connecticut, to the cotton of Texas and the apple of New York and Michigan, to the horses of the mountains and the dairy cows of Iowa. True, they say that the Department reeks with paternalism, but there is paternalism and paternalism, and there is nothing in the helpful work of these bureaus which would disturb the shades even of Jefferson.

I wish it had been in the power of every member of this House to listen to the statements made before the committee by the heads of the various executive branches of the Department. Failing in that, I wish that each might find time to read the reports of these hearings. They are a liberal education in applied science in the field of agriculture, and if anyone has had the bad taste to recall the earlier designation of the Department in semi-derision as the "cow bureau," I think he will be heartily ashamed of it before he gets through with his studies. The work is not only theoretical, and it is not purely educational, although it is, and should be in the main, experimental and suggestive. It is distinctly practical and is more than justified by direct returns.

There is not one field of governmental activity where a dollar spent brings a tenth of the return in actual good to the people that does the little expenditure which we give, more or less grudgingly, to this Department. It covers a wide field in national life, and in every line of its activities it demonstrates every year in a cold matter of dollars and cents its increasing financial importance.

#### THE WORK OF THE SEVERAL BUREAUS.

The Weather Bureau saves in a month, in the spring floods many times its entire cost since its institution, in the saving of property and life, and its researches in the field of meteorological science are both wonderful and fascinating.

If the Bureau of Animal Industry had done nothing else in its whole career but to save the domestic animals of the country from the scourge of the hoof-and-mouth disease, it would have abundantly justified every dollar that it has cost, but that is only one small portion of its work. Its daily routine is made up of the protection of the people's food supply—increasing its volume and decreasing its cost; protecting the farmer and stock grower from diseases and adding enormously to our national wealth. It has done, and is doing, in its meat-inspection work perhaps more than any one single agency to develop and hold a foreign market for our agricultural productions, and our meats to-day find an entrance into Germany, France, Belgium, and other European centers solely because they are viséed by this Bureau.

The Department has recently taken over the immense forests on our public lands, and forested areas to-day aggregating more than 100,000,000 acres are being cared for, preserved, and developed by the Department of Agriculture. While there is a possibility for difference of opinion as to the wisdom of some phases of this work, its importance and its possibilities of good in the preservation of the forest and the conservation of the water supply, in the development of the arid regions, and the making possible of steady and successful irrigation are absolutely beyond computation; and the tact and skill with which this work has been done under its present management has gone far toward removing any possible ground for complaint.

#### THE EXPERIMENT STATIONS.

It is useless to enumerate in detail the individual bureaus with their almost spectacular work, but while we are talking of dollars and cents let us bear in mind that the experiment stations in all the States and Territories have cost the Government until now only \$790,000 a year, and the additional work in connection with the stations in Washington increases these figures by only \$200,000. That is a large sum of money, but a Minnesota experiment station alone has added more than this sum per annum to the value of the wheat crop of the country, by improving the type and character of the wheat grown. Figures are dry and meaningless things in the abstract, but in the concrete they tell their story.

The addition of a single kernel of wheat per head means an addition of more than \$5,000,000 per annum to our national wealth, and the methods of seed selection introduced and practiced by these experiment stations have far more than equaled this increase.

We are spending about \$30,000,000 in building vast reservoirs, canals, monumental dams, and structures, which we hope shall last to the end of time, to conserve and preserve the waters in the semiarid regions. We are doing this through the agency of trained and technical engineers whose work is exciting the admiration of every beholder. A hundred thousand dollars hardly pays for the reconnaissance for one of the gigantic projects undertaken by the national Reclamation Service; but the Reclamation Bureau spends not one cent of its millions in solving, or attempting to solve, any of the myriad questions relating to the application of water to the soil, relating to irrigation as an art, relating to the economic use of the water it has cost these millions to save.

It remains for one of the bureaus of the Office of Experiment Stations, with a sum of only \$102,000 altogether, to work along these lines and to achieve results which the western farmer regards as the most important of anything connected with the work of reclamation. There is no part of the work of the Department that meets with readier welcome at the hands of those for whom it is done than does this work of the Bureau of Irrigation and Drainage Investigation, and yet with this \$102,000 that has been given to this Bureau there is to be carried on not only the irrigation work, but drainage development and experimentation in twenty States and the reclamation of millions of acres of land rendered useless by alkali and similar mineral elements.

I am very glad that the bill before us carries about \$27,000 increase for this work.

With a total expenditure of less than \$5,000 the Department last year located and detected the poison that, under the name of "loco," has cost the stockmen of this country, speaking conservatively, \$10,000,000, and this was done although scientist after scientist, and expert after expert had declared the poison a myth.

#### THE BUREAU OF PLANT INDUSTRY—ITS GREAT AND INCREASING IMPORTANCE.

No one of all these phases of this work is more beneficial than is that of the particular Bureau which we have under contemplation in this item—the Bureau of Plant Industry. None is more ably officered and directed. It costs, according to the figures of this bill, about \$575,000. That is the equivalent in cost, of a thousand rounds of ammunition for a 12-inch gun, and the results of the work of the Bureau of Plant Industry simply can not be computed. These results are not only a benefit to the rural population, not only to the men for whom we plead so earnestly, but they are a benefit to the whole people; they increase our food supply; they promote our commerce; they help our people in every particular.

#### FREE GARDEN SEEDS—A USELESS AND UNJUSTIFIABLE PERVERSION OF ITS ORIGINAL WORK.

Because they are so far-reaching, and because they are so beneficent and important, I protest against men of the character and caliber of those who are at the head of this department having their time, energies, and opportunities frittered away in sending out these absurd little donations of ordinary garden seeds to the farmer—to men who do not want them and in many cases do not use them. I do not want this important work interfered with. I do not want this great bureau to continue under our direction doing something that seems to me ignoble and unworthy—unworthy of the Congress, unworthy the Department of Agriculture, and, most of all, unworthy the American farmer.

I do not think the committee intended to take anything from the farmer. I know that I did not. I do not believe that that was the thought at all. What we wanted to do was to substitute something that was of value for something that was unimportant and inconsiderable; something that really amounted



to something, that would accomplish something, and was of practical utility for something of doubtful propriety which did little or no good.

When the Department was first organized, Congress very aptly and very properly made a part of its duty the distribution of rare and valuable seeds, but they were to be rare and valuable seeds, not the kinds that had been known for three centuries; not the variety that our forebears brought with them to Jamestown and Plymouth. They were to be rare and valuable seeds; something that would add to the productive power and wealth of the country and advance the interest of the farming population.

What the committee, if I understand it, attempted to do is simply this: they attempted to confine this work to the legitimate field of the distribution of rare and valuable seeds. There was no thought, I am sure, of dealing either illiberally or parsimoniously with it. On the other hand, they believe that they have appropriated sufficiently so that that work may be carried on with success according to its legitimate purpose.

#### WHAT THE SEED DISTRIBUTION SHOULD BE.

There are endless instances of the importance of the distribution if properly directed. The seedless orange was developed and introduced by the Bureau of Plant Industry, and afterwards distributed through this very appropriation. This one fruit has been worth more to the people of this country than all the radishes, pumpkins, lettuce, and beans that have been sent out through the Department of Agriculture since this distribution began. The statisticians tell us that the California crop of seedless orange alone is worth from \$7,000,000 to \$8,000,000 annually.

In the same way and through the same distribution the Government has been sending out macaroni wheat. The Bureau of Plant Industry introduced it from Russia and Asia and distributed it freely to our farmers, and to-day it is adding to the income-bearing possibilities of the country infinitely more than all of these ordinary seeds that they are sending out for us under our franks. This is something the farmer can not get at the corner grocery, and the cash value of the work is to be figured in millions of dollars. Last year it is estimated that we produced in this country from \$10,000,000 to \$15,000,000 in this product alone, and the beauty of it is that it fills a new field and positively adds that amount to our productive wealth.

Mr. WADSWORTH. And they have done that within the last three years.

Mr. BROOKS of Colorado. And the chairman calls my attention to the fact that this work has all been done within the last three years. The same thing is true of the Kaffir corn, emmer, and brome. Those are things that are of real value, and they are sent out under the appropriation for the Congressional free-seed distribution, but they are not the ordinary garden seeds that you can buy anywhere for 1 or 2 cents a package.

I was much interested yesterday in the remarks of the gentleman from South Carolina [Mr. ELLERBE]. They seemed to be very apt, very sound, and very sensible. What he said about the wilt-resisting cotton is all true. It has added enormously to the receipts of the cotton growing States and the cotton growing section has not yet begun to reap the full returns, but I did not notice any plea for free beans in the gentleman's remarks or any argument for rhubarb or radishes or anything of that sort. All that the gentleman said was the strongest possible argument for the work of the Department in sending out rare seeds and against the garden seeds.

The wilt-resisting cotton was a rare and valuable thing that was developed by the Bureau and sent out under this form of seed distribution. Now, the committee has attempted still to provide for the rare and valuable plants and seeds. There is no disposition to leave out the wilt-resisting cotton, there is no disposition to leave out the further production of the seedless orange, or the Kaffir corn, or the macaroni wheat. There will be an amendment offered by the committee that will make that matter thoroughly clear, and will secure the continuance of the work without any restrictions. What the committee attempted to do was to leave in the bill all the appropriation that hitherto had been devoted to the rare and valuable seeds, and to eliminate and leave out of the bill this indefensible donation of no value which is, in many cases, regarded with ridicule, and justly so, by the very men to whom it is sent.

There is an ample field for work with rare seeds and plants. There are hundreds of localities all over the world where we still can get just such plants as those which this Bureau has been finding for us in the last years. The scientists from the Department are now searching in Asia, in Turkey, in India, in Africa, in northern Russia, and in Australia, and from those sections we are getting things that our farmers can use and render available from one end of this country to the other. It is true that many of them are semi-tropical and will interest

mainly the South, like the orange, the mango, the fig, the grape fruit, and date, but it is also true that many of them are hardy and will interest the North, like the hardier kind of wheat, and the hardy crops that will grow clear to the Canada line and in altitudes of 6,000 or 7,000 feet—grains and fruits from Siberia and northern Russia, which thrive wonderfully well when brought to our warmer sections. That is the kind of work I plead for and have interest in.

We expend something like \$500,000 a year in one single drug—opium—and we import that from foreign countries. Our total importation of foreign drugs and medicinal plants amounts to more than \$5,000,000 annually.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Colorado may be permitted to conclude his remarks. Is there objection?

Mr. FINLEY. Mr. Chairman, I understand that the gentleman is discussing the seed proposition. I would like to know if we have reached that provision in the bill.

Mr. WADSWORTH. Oh, yes; we have.

Mr. FINLEY. Then I have no objection.

The CHAIRMAN. The Chair hears no objection.

#### THE WORK IN CONNECTION WITH CERTAIN RARE PLANTS.

Mr. BROOKS of Colorado. Mr. Chairman, I think I shall take only a few minutes, for I shall very briefly conclude with one or two things to which I want to call attention. As I was saying, we are expending \$500,000 a year for a single drug. That drug and many others can be grown with profit, and great profit, in many localities—some in Maine, in New Hampshire, in Vermont, and in the Northern States—others in other places. Crops like these can be made a kind of by-product to the farmer and ought to be introduced, and this Department is trying to do it through this Bureau. Now, the committee proposes to extend the usefulness of the Bureau along those lines and to substitute in its distribution digitalis and stramonium and plants like those for peas and beans and such plants as you can get anywhere. Only last week there was a very apt illustration of what I am saying. There is one concern engaged in the manufacture of celluloid in this country that pays \$500,000 a year for camphor. Camphor, as we all know, is a monopoly of the Japanese Government in the island of Formosa. Probably the other uses of camphor in this country amount to about \$2,000,000 a year.

Last year down in Florida one of the experts of this Department, in going around found a man who was trimming some ornamental camphor trees. He got the clippings from those trees and experimented with them in the Bureau. He found that he could get a higher content of camphor oil and a better quality of camphor than they could in Formosa, where they cut down and kill the tree. He further found that large tracts of land in Florida which were comparatively valueless for other purposes were admirably adapted for growing these trees. He went immediately to the celluloid people, showed them the result of his work, and explained to them the possibility of introducing the growth of them into this country, and last week they concluded the purchase of lands in Florida for the investment of \$150,000 in the growing of American camphor. How does that work compare with our donations of 2-cent packages of cabbage and rhubarb and rutabaga?

We pay \$500,000 a year to Germany and France for our beet-sugar seed. The Department of Agriculture is developing a beet-sugar seed to-day in this country that is superior in saccharine content, in hardiness and availability to anything that the Germans or French can produce; and I prefer to see my Colorado farmers get this improved sugar-beet seed rather than these common seeds that they do not want, and I know my Michigan and Utah and Minnesota friends feel the same way. I believe that Department can help the gentleman from Tennessee [Mr. GAINES] to find some rare seeds of this sort, that his people will think just as much of as they do of the peas and beans which he says they prize so highly, and if he does he will accomplish a substantial result in developing new agricultural possibilities for his section.

I do not agree with the gentleman from Maryland [Mr. MUDP], and I do not believe that he got at the real point of this situation in his remarks yesterday. Shortly after I was first elected to Congress and before I knew some of the mysteries of the work of a Congressman which I have since learned, I was awakened in the dead vast and middle of night by a telegram from a very enthusiastic rural constituent, and it read like this:

Send seeds at once; no Republican seeds in this county.

I complied with that urgent demand as soon as I could, and the returns at the succeeding election, in the Republican crop,

were amply satisfactory and highly commendable from my point of view. My enthusiastic rural friend had gotten at the real gist of this question. It is an attempt to secure a little, petty, unworthy, ignoble influence for ourselves as Congressmen in a way that we ought to be ashamed of, and it is a way that I hope will be abandoned.

The American farmer is not a babe in swaddling clothes. He can see through this little gift very easily. The man with the hoe is not what he was, even when Millet painted him or when Markham maligned him into fame. In America he is not only a tiller of the soil; he is a mechanic, manufacturer, and business man, and in these later days he is a chemist, physicist, bacteriologist, and entomologist as well. I think he understands and values this 2-cent contribution at its real worth.

Mr. JAMES. Will the gentleman yield for a question?

Mr. BROOKS of Colorado. Certainly.

Mr. JAMES. Here is a publication I have which reads, "Free seeds; a few current editorials commenting on the Congressional free-seed distribution," and several editorials from different newspapers, and on the back of it it is stated: "Compiled by William Wolff Smith, newspaper correspondent, Washington, D. C." Who paid for that composition?

Mr. BROOKS of Colorado. I am sure I do not know, and it does not interest me.

Mr. JAMES. The Agricultural Committee did not.

Mr. BROOKS of Colorado. No, sir.

Mr. JAMES. Do you not know it is true that seed houses that are attempting to create a trust in seeds, who are exerting their influence to keep the Government from giving seeds to the farmers, met and contributed money to get that writer to collate these editorials and send this out for the benefit of Congress?

Mr. BROOKS of Colorado. I do not, and I do not care. What I want is that the Department shall confine itself to its legitimate work. The gentleman from Kentucky is no more anxious than I am that every farming industry shall be protected and every farmer shall get the full measure of proper support that he should. It is only the kind of help, it is only the kind of seed, it is only the kind of donation that the gentleman from Kentucky and I take issue upon. I would rather send to his constituents and mine the rare and valuable seeds, and the rare and valuable clippings—something that will add something to the wealth of the country, rather than follow this old rut in which we have been going.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. BROOKS of Colorado. Certainly.

Mr. GROSVENOR. Does the gentleman feel that there ought to be some agonizing fear on the part of Congressmen where there are perhaps five or six or eight or ten millions of people who raise garden seed that they would get them all into a trust so as to oppress us?

Mr. BROOKS of Colorado. I never have felt that fear.

Mr. GROSVENOR. When every fellow is producing his own garden seed, do you think there is danger of somebody getting it all and—

Mr. BROOKS of Colorado. No; I have no fear of any such trust, and do not think the facts warrant it.

Mr. GROSVENOR. Then I feel relieved from that.

Mr. BROOKS of Colorado. I was not saying anything in the direction of trust, but I am glad the gentleman is relieved.

Mr. GROSVENOR. I now feel better.

Mr. BROOKS of Colorado. I understand. No; I do not think this is a question of the overshadowing power of any seed trust. It is a question of plain common sense between common-sense Congressmen and common-sense farmers.

I want to make myself entirely clear, and, at the risk of repetition, let me repeat that I believe in proper and legitimate seed distribution. It is only the kind of seeds that I object to. I do not and can not believe that the sending out of ordinary garden seeds is a proper or legitimate distribution, and I shall oppose it. I will, however, vote any reasonable sum for the work of sending out new, rare, and valuable seeds and plants, and believe this would result in great good in the future, as it has in the past.

For work such as I have described in some twenty bureaus we provide this year \$7,250,000. It reclaims our land; it renders fertile our exhausted reaches; it improves our crops; it increases, cheapens, improves, and diversifies the food supplies of our toiling millions; it protects our forests, our flocks, and our herds; it increases by billions of dollars annually our foreign and domestic commerce; it furnishes the most wholesome, safest, and most elevating form of employment to the people; it injures no one; it is beneficent, helpful, and unobtrusive. Its total cost represents an expenditure of a million dollars a day for the days of a single week. For the arts of war, including therein,

as we properly should, our pension budget, we spent this year, in round numbers, a million dollars a day for the days of a whole year, and I venture to say that no man on the floor of this House will begin to compare the usefulness, beneficence, and far-reaching results of the work of the Department of Agriculture with that of our Army and Navy combined.

I join with our friends of the Military and Naval Committees heartily, cheerfully, and enthusiastically in every effort that they make to protect this country at home and abroad, to advance its prestige, to make its name and its flag honored, respected, and revered; I yield to no one in my support of everything which makes for our national honor and advantage; I will vote battle ships as long as there is a real need. The scare head of rampant militarism has no terrors for me, but in the name of the thirty millions of farming population who make up the great producing element of our body politic I protest against any cheeseparing or restrictive economies as applied to the work of this Department. We talk about the stupendous balance of trade in our favor. On this side of the Chamber we point with pride, and justly point with pride, to an aggregate balance for the ten years of Republican ascendancy amounting to something like \$4,000,000,000, but we should go further and pay our respects and distinguished consideration to the farmers of this country who have not only made that balance possible, but in order to do so have wiped out an adverse balance against us for the same period of over \$890,000,000.

As the work grows it is necessary that comparatively new fields from time to time be entered upon, and this bill and the two previous bills have carried one item in itself somewhat novel, of which I wish to speak very briefly. In 1904 we appropriated \$25,000 for experiments in animal feeding and breeding. The appropriation was continued last year, and it is carried in the bill before us. Under that appropriation, small and meager as it is, the Department has inaugurated two small experiments in the developing of an American type of horse, one in the East and one in the West; has made instructive and valuable experiments in sheep breeding in cooperation with the Iowa station; has already done a great work in the development of the poultry industry, which, although tremendous in its returns, has never received the attention it deserved; has been carrying on a series of most valuable and interesting experiments in calorimetric tests of the heat and flesh producing value of different food elements in connection with the Pennsylvania experiment station, and in several places in the South has started, or has under contemplation, similar work in feeding and breeding.

The field that this work opens upon is vast and important and has been hitherto almost neglected by the Government. We have lagged far behind the work of the other leading powers. We spend annually hundreds of thousands of dollars in importing foreign stock. Our horses, with the exception of two strains of trotting stock, which are really families rather than types, are Percheron, Belgian, Oldenburg, and Clydesdale; our cattle are Holsteins, Ayrshires, Swiss, Jerseys, or Herefords; our sheep are Cotswolds, Southdowns, and Merinos, and our swine are foreign in their origin and names; only two breeds of chickens proudly flaunt an American name and are the result of American breeding. It is high time that the genius and energy of the American breeder should be turned to the growth and development of native strains and American subject.

#### FOREIGN WORK IN HORSE BREEDING.

We frequently hear how one or another phase of modern progress is due in some direct or indirect manner to the Corsican first emperor of the French.

It is interesting to know that the great Hungarian breeding stable at Lipitza was started by an Arabian stallion captured from Napoleon at the battle of Leipsic. With that beginning the Austro-Hungarian Government has gradually developed, until to-day it spends over \$800,000 a year in the maintenance of its horse-breeding establishments, with immense advantage to the individual horse breeders and without any encroachment upon or interference with individual enterprises. There is a single breeding station—Mezőhegyes—extending over 50,000 acres, which employs 6,000 civil and military employees and obtains the finest breeding stock available in the markets of the world; and to-day the Imperial Government makes no more proper or beneficial use of its funds.

One of the Austrian royal stables at Kis Ber was headed by an old-time English thoroughbred, "Buccaneer." The winner of the Derby and the winner of the Grand Prix in 1876 both came from this stable, and the descendants of Buccaneer from this stable had won in 1902 \$1,100,000, in prizes.

After the fall of the second Empire the French found their



agricultural industries terribly crippled, and none more than their breeding of horses, caused largely by the terrible losses suffered in the Franco-Prussian war. The French department of agriculture under the law of 1874 immediately took up this work with tremendous activity, and it has grown to such an extent that the budget of 1902, the last figures obtainable, carried an appropriation of \$1,600,000 for horse-breeding stations, and no one, to my knowledge, has suggested that the French were other than frugal, careful, and businesslike in their governmental expenses. The work is a fixture in French system and has demonstrated its great and increasing value.

The Prussian Government spent in 1900 a quarter of a million dollars, and that is for Prussia alone. The Grand Duchy of Oldenburg for a hundred years has been growing and developing a strain of coach horses, until the name of Oldenburg is known, not for any statesmanship nor for military prowess, but for the excellence of its horses, from Australia to Siberia, from Germany to Japan, and from Lapland to Cape Town and back.

With all their lack of initiative and sluggishness in many regards, the Russian Government spends nearly a million dollars a year in its breeding of remounts and domestic horses.

The Italian budget for 1900 carried nearly \$100,000. In 1904 the Government embarked upon a much more extensive scheme and, in addition to its previous work, in round numbers, \$50,000 was devoted to the purchase of new animals, about as much for prizes and subsidies to different organizations of breeders, \$50,000 for veterinary surgeons, and corresponding amounts for other purposes. Not long ago the Italian Government paid \$17,000 for a Derby winner to put in one of its breeding establishments. The people are much interested and regard the work with marked approbation.

The English Government, through prizes and subsidies, spends about \$30,000 a year, and its lack of initiative in this work is the subject of general regret. For many years the royal commission appointed to investigate the subject has pleaded with Parliament for larger appropriations and has pointed out the fact that the English were falling behind the other countries in this work. Some of the Canadian provinces have just started, and the press reports a few days ago contained an item that \$25,000 had been paid for a single horse to start a stable at Truro, Nova Scotia.

We have invested, all told, a little over \$10,000 in horses, and the State of Colorado, where the experiment was first tried, added almost as much for stables and similar expenditures connected with the work. We have to-day the beginning of an experiment which competent judges consider of the greatest promise. There is no field to which the American farmer can more safely direct his energies with greater hope and certainty of return than the breeding of fine horses; and there is no place in which the Government can more properly and more effectively render him assistance than by putting the work on a systematic and scientific basis. I do not mean breeding racing horses alone, but an average horse of superior speed, courage, strength, and endurance, which is demanded in increasing numbers by our domestic trade and by the foreign markets; of the kind, for which there is a constantly increasing demand and relatively decreasing supply.

The cost of carriage horses has increased in this country since 1891 in the average sum of over \$100. The same fact is observed elsewhere. The export value is given now at \$308, as against \$174 then. In 1900, and the year was by no means extraordinary, Germany imported 90,000 horses, and for years Germany has spent from \$17,000,000 to \$20,000,000 abroad for horses annually. England in the ten years from 1891 to 1900 purchased abroad 342,000 horses, at a total cost of about \$100,000,000, and the demand is steadily growing. France, on the other hand, from its greater breeding facilities, had large numbers to sell.

#### THE AMERICAN PLAN.

As I understand it, it is not proposed to imitate the Italian or Austrian systems, with their tremendous establishments of government-owned horses, but rather, with small national expenditure, to direct and assist cooperative circles of breeders, looking to the establishment of an available native type and to raising the general average of excellence of the American road stock.

Rather something more or less resembling the French system, which is essentially cooperative breeding under Government supervision. The expenditure is large, but the returns are proportionately even larger. As long ago as 1887, with a yearly maintenance charge and expenses for renewals and new stock amounting to some 1,400,000 francs, there was an income to the State, outside of sales, of 815,000 francs, and the statistics show that if this were the primary object, the returns could have been largely increased.

The real benefit has been the widespread general improvement in the common stock—the half-breeds, the work horse, and the ordinary driving horses—exactly the field in which we have done very little systematic work. What France and Hungary and the Grand Duchy of Oldenburg have done we certainly can, and should do.

At first the American breeders were inclined to look with some question upon this venture, but as it has begun to work itself out it now meets with almost universal approval, and I believe that a few years will demonstrate that this is one of the wisest ventures that the Department has undertaken. Similar work in the improvement of strains of dairy and beef cattle, swine and poultry and sheep, instituted in response to a very general request and demand, shows the importance of the work undertaken.

#### GENERAL IMPORTANCE OF THE WORK—MODERN PROBLEMS.

I have devoted considerable attention to the work of two particular bureaus, not because they excel the work of the other bureaus, but because of the particular interest which attaches to their work at the present time. The whole Department of Agriculture is serving the people in a most admirable way. There is no other form of governmental activity that should receive a more liberal degree of support at the hands of Congress than does the Department of Agriculture.

There is every reason why that should be so. The latter-day problems which are pressing on this country for solution are almost without exception problems which come from, and are the result of a change of the type of development over great areas of this country. A change from an essentially rural and agricultural type to an essentially industrial and manufacturing type. We view with alarm the great and disproportionate growth of our industrial centers. We view with alarm the influx of alien hordes, the growth of socialistic ideas, the growing urban discontent and the strife of wage-earners and the masses. We regret and deplore the drift from the country to the city, the passing of the saner forms of rural life, the simpler mode of living which characterized generations that have gone, and thus far we have only deplored and only viewed with regret. We have not done one single thing for a remedy.

Mr. Chairman and gentlemen, the remedy, if remedy there exists, in my judgment, lies along the very line on which the Department of Agriculture is working. It lies in making the work of the American farmer more elevating, more pleasant, more attractive and more profitable. It lies in bringing his occupation to a proper plane of dignity, in recognizing the importance of his pursuit as a profession as well as a means of livelihood. It lies in teaching young men they can devote to this work just as much intelligent preparation, just as much thoughtful earnestness, just as much ability, as to railroad problems or finance or any other form of industry that occupies the human mind. It lies in keeping the young men on the farms and preventing their crowding into the less desirable, but apparently more attractive occupations.

And we can best do this, gentlemen, by liberally and generously supporting these men, who for years, without flourish of trumpets and without any accessories of military parade, have quietly, but with an efficiency equaled by no other similar body of men in the world, been bringing before the farmers of this country the richest fruit of all the ages and the highest results of scientific investigation when applied to the field of agricultural science, and we can not do it by this petty little distribution of free garden seed. [Applause.]

Mr. WOOD of Missouri. Mr. Chairman, I move to strike out the last two words; and I ask unanimous consent that I may proceed for ten minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. Wood] moves to strike out the last two words, and asks unanimous consent that he may proceed for ten minutes. Is there objection?

There was no objection.

Mr. WOOD of Missouri. Mr. Chairman, somewhere in an old book that I have read there is a statement that "Unto him who hath much shall be given, but from him who hath little shall be taken even that which he hath." It seems to me that to-day some of the gentlemen on the other side of this Chamber are endeavoring to make true that old statement. There are gentlemen who come here and attempt to give much unto him who already hath much. You come here and you give unto the steel combination, to the watch trust, and to the beef and sugar monopolies; you give unto these; you protect them by your high protective tariffs; you protect many special industries—you give unto him who hath much. But now from the farmer—him who hath little—you are striving to take even that which he hath; you are striving to take even that which hath been given to him in past years. [Applause on Democratic side.]

You are complaining about the passage of this one little

item; you are refusing to give the farmer the miserable little \$100,000 or \$200,000 for these free seed. Why, it is a mere bagatelle. Why this economy on this point, and why do you not exercise economy in a vast number of other ways where your extravagance runs riot? We have just passed the post-office bill, carrying one hundred and ninety-odd millions, with subsidies contained therein of larger sums than this; we are about to pass the naval bill, carrying one hundred millions, in round numbers. This Congress will appropriate more than a billion dollars, yet you seek to take out this little item which is meant for the benefit of the farmer. Why, sir, of all the industries where economy should be practiced this is the last of all the Departments of our Government whose appropriations you should in justice cut; this Department should be the last, because it is vastly the most important.

You must remember that 70 per cent of our people live in the country and but 30 per cent in the cities. You must remember that all business rests on that of the farmer. When he is prosperous the country is prosperous; when he is not prosperous, neither is any other line of business. I do not care what pursuit you take, whether it is the banker, the manufacturer, or business man of any line, his business must come back finally to the farmer. It is on the productions of the farms that all business rests.

Our nation's true glory, sir, has not in the past rested in its generals who have led our armies to victory on the field of battle, nor on its admirals who have commanded our ships on the high seas, but rather on the vast body of patriotic toiling American farmers who have gone out early and toiled until late, causing the earth to produce the raw materials which has made it possible for the machinery of our factories to turn out products for trade and traffic that have enriched our nation, causing our merchant marine to be seen in every port. [Applause.]

Our nation's welfare does not depend on the eloquence alone of its legislators in our halls of legislation; but rather on the toil and industry, the unfaltering patriotism, and the faithful pursuit of their duties of the farmers throughout the land. Our country's true citadels are not to be found in its fortresses, from which the gaping mouths of cannon may be seen, but rather in the vine-clad cottage on the hill, the home of the American farmer under the trees in the valley, surrounded by the fields made fertile by his industry.

These, sir, are the foundation and bulwark of our nation's prosperity and glory. There is more true music to our nation's glory in the sound of the plow as it goes through the furrow, in the sound of the sickle as it cuts down the grain, in the sound of the reaper as it gathers home the harvest—there is more true music, I say, to our nation's glory in all this than there is in the sound of the building of war ships or the beating of iron into cannon. Build more battle ships if you must! Buy more cannon if you will! But let us at least encourage the idea of using our iron for pruning shears!

Let us not, then, take from him, but rather let us give more to encourage the man with the hoe, the sickle, and the scythe. Let us do all we can to foster this industry. Let us not take from, but let us add to.

Why, sir, as a great orator has said, you might burn down your cities; but leave the farms and the cities will spring up again as if by magic; but destroy the farms and the grass will grow in the streets of every city in this land. [Applause.] We have had a recent illustration of that. A short time ago San Francisco stood out in all of its splendor a proud and happy city. In a day's time it was reduced to a heap of ashes. But from out those ashes will spring up a city that will be more glorious, a prouder city than the San Francisco of the past. There will spring up in an incredibly short time a city that will be a fair mistress of the seas, a splendid guardian of our golden western gate. And how will that be possible? Why, Mr. Chairman, because back of that city, surrounding that ash heap, are the great fertile valleys of the Sacramento and the San Joaquin, where thousands of American farmers by their industry are making the earth to produce its plenty. Because these farms exist, San Francisco must and will be rebuilt; but if those farms did not exist, its ash heap would remain there forever. If you could have reversed that scene, if you could have left the city stand in all of its splendor, but by the same bolt that destroyed the city have reduced those farms to ruin, I tell you that it would not be long before dust and rust would be the prevailing features of the city.

And so I might say of all the industries in America, for all depend on the farming industry. Let us, then, do all we can to encourage the calling.

We have discovered that the seed dealers of the land have combined in an effort to prevent the further distribution of

these seeds. They have discovered that the free seed distribution was the only seed rate regulator, and they wish to rid themselves of all restraint. We have heard letters read from different parties against this distribution of seed; but I apprehend that many of them were obtained by these seed dealers. I venture the assertion that if anyone interested on the other side should call for letters favoring the distribution of seed you would have a thousand in favor of the distribution of seed to one against the distribution.

If the distribution of seed accomplished but the one object of binding the farmers closer to the National Government at Washington it would be well worth the sending of them out. There can be no question but every package of seed that goes out from the Government at Washington to a certain extent binds the man who receives it closer to his Government. It is all right for business men to pooh-pooh this idea; it is well enough for you to talk about your "kid-glove farmers," men of large affairs who have mixed with the world, but I will tell you it is a different question with the isolated farmer, the farmer living on the plains where he has little opportunity of mixing with the world, where the postman comes but seldom. When such a farmer receives one or several of these packages of seed he can not but welcome them with pleasure. It will at once occur to him that his Government at Washington has remembered him, and it can not but bind him closer to his Government.

Some simple-minded people are inclined to look down upon the calling of the farmer, and some farmers may feel that their calling is not looked up to with the highest of respect, but when he gets these seeds from Washington he realizes that the Government is a sort of partner with him, that the Government recognizes his calling as the highest of all, and he can not help but be encouraged.

It has been suggested on this floor that we should send out sample suits of clothes or sample articles of merchandise. Those questions, while propounded in good faith, are ridiculous. This Government does not recognize the selling of clothes or any other one line of business as a national affair, but it does recognize that agriculture is the great business of the nation; that it is from agriculture we have obtained our national prosperity; that this nation is predominantly an agricultural nation. Agriculture is recognized as the great national calling, and by sending out these seeds the nation very properly places its stamp of approval on this one business. There is no analogy whatever between the sending out of sample suits of clothes and the sending out of free seed.

Again, Mr. Chairman, the sending out of these seeds suggests and encourages the idea of planting. We should inculcate upon the minds of every growing boy and girl the necessity of planting trees and all kinds of fruits and vegetables, and to-day I am glad to see in many of our schools tree planting has become a part of the instruction to the scholars. Now, the sending out of these seeds not only encourages but suggests the idea. There is little doubt in my mind that when the people throughout the Union receive these seeds the idea of planting is suggested to them. It must be true that a great deal more planting is done throughout the Union on this account, for when a package of seed is received it is in nearly every instance planted, not alone, but with other packages purchased. Small plots of ground that would otherwise be vacant are made to blossom on account of the seed. The seeds arrive and the people are reminded that it is planting time, and thus a great industry is fostered.

They tell us that this is a graft. The idea is too ridiculous to need refutation. There can be no graft where all the people receive the benefit. These seeds go to all the people. It is the people's money redistributed to the people. I was particularly impressed with the remarks of the gentleman from Kentucky yesterday, who suggested that if this really were a graft, if it were some special individual or some special industry or some favored corporation that was receiving an immense graft, those gentlemen who now oppose the distribution of these free seed would remain quietly in their seats. They would not oppose a real graft. If the steel combination or some other combination was making another gigantic steal, there would be no one—on the other side of the Chamber, at least—to oppose it; but since this is no graft, since it is a giving to the people—the common people, the great mass of the people—a very little of their own; since it does not accrue to the benefit of some specially favored interest, then, of course, they are loud to protest, as they always have been, against any measure that was for the benefit of the people, for the benefit of the masses, instead of for the benefit of some favored class. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.



Mr. WOOD of Missouri. I ask unanimous consent to be permitted to proceed for three minutes longer.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD of Missouri. Now, gentlemen, if we can inculcate the idea with every growing boy and girl of tree planting and plant planting, that would be a great national blessing. Boys and girls throughout the land look forward to the time they will receive these seed, and they plant them eagerly. It creates an interest in planting that could probably not be obtained so well in any other way.

There are a great many other and better arguments that might be made in favor of the continuance of the distribution of seeds, but these arguments, or many of them, have already been made by others on the floor of this House, and I shall not take up your time by repeating them.

The purpose of the great seed dealers in fighting this appropriation is plain. They recognize that the sending out of these Government seed is a great seed regulator, and they wish to be rid of all regulations tending to the benefit of the people.

I say, gentlemen, that we should continue this appropriation. I believe in some of the remarks of the gentleman who spoke last, who favored the distribution of peculiar seed as appropriate. But I say, Put back the usual appropriation, and instruct the Department to get a different kind of seed and a better kind than it has had in the past.

Though I come from a district lying entirely within the city of St. Louis, I am glad to take this opportunity to raise my voice in favor of this measure, which I believe to be of great benefit to the American farmers. I am glad to say a word in their behalf. I appeal to you, in the name of the farmers of America, that you do not this great wrong, but that you appropriate this money for the further continuation of this measure which in the past has resulted in the accomplishment of so much good. [Loud applause.]

Mr. LEVER. Mr. Chairman, I shall not discuss the over-discussed proposition of free seeds; not because I do not regard the distribution of first-class garden and flower seed as valuable to the farmers of the country, but because I know that the proposition of distributing seed among the farmers will have sufficient champions upon the floor of the House.

I want to call attention to that item in this bill which makes provision for experiments in medicinal and poisonous plants.

We import into the United States each year drugs estimated in value \$16,000,000. We buy from foreign countries drugs to the amount of \$16,000,000 per annum. Dr. Rodney H. True, the chief in charge of this work, estimates that we can produce in the Southern States, on our own soil and with our peculiar climate, drugs which would amount in value to something over four or five million dollars per annum. We have at Florence, S. C., in the district of my colleague [Mr. ELLERBE] a drug farm operated by the Department of Agriculture. We are growing various drug plants there which are now imported into this country. We are growing belladonna, capsicum, and various other kinds of drug-producing plants, and we are growing them so successfully, from a financial point of view, that the expert in charge gives it to me as his opinion that that farm will net at least \$75 per acre. Professor Galloway, who appeared before our committee, estimates that certain lands in the South, planted in these drug plants, will bring back to the cultivator a value of \$40 or \$50 per acre. The Department estimated for an increase of \$8,000 for this work, not this particular work in South Carolina, but for the work scattered all over the United States. The committee allowed an increase of \$4,000, but in making up the bill, by error that amount was left out, so that the bill as it now stands carries only what it carried last year for this particular purpose. I want to call the attention of the House to that fact, so that when the time comes for us to make the increase the Members will understand and know what we were doing. I want to insert in the RECORD a letter just received by me from Mr. J. W. McCowan, clerk of the court of Florence County, who has personal knowledge of this drug farm in South Carolina and of its success. It makes interesting reading.

In that connection I want also to insert a letter from Dr. Rodney H. True, the physiologist in charge of this work.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to insert certain letters in the RECORD in connection with his remarks. Is there objection?

There was no objection.

The letters are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF PLANT INDUSTRY,  
Washington, D. C., January 30, 1906.

Hon. A. F. LEVER,  
House of Representatives.

SIR: I beg to acknowledge receipt of your letter of January 25, requesting information concerning the future plans for drug work in

South Carolina, and I beg to outline the plans in so far as they have shaped themselves, presuming, of course, on the means wherewith to carry them out.

An increased sum for the work of drug-plant investigations was asked in order to enable us to respond to certain demands for new work which have been very pressing and represent an undoubted necessity. Our plans also include the continuation of the old work, with such extensions as might be permitted. As to South Carolina the plans for the future years include the following main items:

A continuation of our work at Ebenezer on an area of 15 acres, in cooperation with Mr. E. Cottingham. On this area we plan to put out material for experimental purposes primarily, on which we can not only study the adaptation of climate and soils, but also methods of curing, selection, etc. On this area the primary object is to get information along scientific lines as well as along economic lines.

In response to the urgent request of the Board of Trade at Florence we have contemplated taking charge of another area of 15 acres, furnishing merely the seed and supervision, the Board of Trade or the gentleman on whose place the experiment is to be placed meeting all of the expenses. On this area we plan to put such crops as seem to promise good financial return without any special effort to get anything other than a purely economic test—that is, without special reference to the scientific aspect of the problem.

The increase contemplated would not carry more work in South Carolina than that here outlined, and if further work were to be done it would need to be met by additional funds.

Very respectfully,

R. H. TRUE,  
Physiologist in Charge.

Approved:

B. T. GALLOWAY, Chief of Bureau.

FLORENCE, S. C., April 20, 1906.

Mr. A. F. LEVER,

House of Representatives, Washington, D. C.

DEAR SIR: In view of the success that has already been achieved toward the drug-plant experimental work that the Department of Agriculture has been conducting in this county, and in behalf of its future welfare, I take the liberty, as a citizen of the county, to write you and ask you to do all you can in your capacity to help the work. We are well aware that you have always been ready to help South Carolina enterprises, and that you have been very successful in that direction.

I now write not only to enlist your sympathies, which doubtless we now have, but to ask your heartiest cooperation toward the support of this work. We believe that great possibilities are embraced in this problem and the meager fund now available for the work is not sufficient to develop the industry.

We know that it is in the power of Congress alone to give this help, and we look to you as our able Representative for help, knowing that your position in Congress puts you where you can be of aid to us.

Trusting that in the future we might see the fruits of your works,

I beg to remain, yours, very truly,

J. W. McCowan.

Mr. KLINE. Mr. Chairman, I move to strike out the last two words.

I ask unanimous consent that I may be recognized for ten minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to continue his remarks for ten minutes. Is there objection?

There was no objection.

Mr. KLINE. Mr. Chairman, I am in favor of an amendment to this bill appropriating a reasonable and adequate sum for the purchase of seeds and distribution of the same. In support of my personal conviction as to this item, I desire to be heard and place on record a few reasons why I am in favor of the same.

Much has been said, pro and con, during the past sessions of Congress why this item of appropriation should be included in the agricultural appropriation bill, or why it should be excluded from the same. It has been asserted with a great deal of confidence and candor and frankness that the distribution of seeds amongst the constituents of a Member of Congress was not a very dignified function, and it was not the kind and character of work which should be imposed upon one holding so important and honorable a position as Representative in our Federal legislative body. In earlier years it was not contemplated to be a part of his duties. It must be conceded to some extent that the distribution of seeds is in the nature of graft, but the expenditure of money in other Departments and liberality in favor of many other classes of citizens may also be denominated a character of graft.

The original intention of an appropriation for the purchase of seed and distribution of the same was to disseminate rare seeds in various parts of the country, and exchange, plant, develop, and adapt the same to the diversified soils and climatic conditions of the United States.

Through succeeding years the character of this business enlarged and the demands for seed multiplied until its size, magnitude, and ramifications acquired the present proportions.

Notwithstanding the humiliating and sometimes undignified character of this function, I am still in favor of continuing the appropriation for the purchase of seeds and distribution of the same. In favoring this measure, or amendment, and continuing the past practices I am only expressing my individual sentiment as the same is emphasized and has been voiced by my constituency through past experience.

I represent a district in eastern Pennsylvania whose interests are, approximately, half farming and half city—industrial

and manufacturing. It is a district which according to the last census had a population of 253,508, and presently approximates 300,000; a district which at the last Congressional election, in 1904, polled 51,294 votes for the several candidates for Congress. The usual allotment of seeds to a Member was inadequate to accommodate the large demand of my large and disproportionate constituency, and by reason thereof the Secretary of Agriculture credited me with a double quota (24,000 packages in all), which have been distributed among the electors and families of my district; and still there is and was a clamor and demand for more, and I have frequently observed that those who were omitted in the distribution made complaint and inquired why they have been overlooked in the distribution of this Government favor, gift, or graft, or whatever you may term it.

Besides the voluntary dissemination of seed through my clerks, amongst my constituency I am in receipt of thousands of postal cards and letters, in every conceivable form and language spoken by my constituency, begging for garden and flower seeds. This extraordinary and popular demand for this governmental favor convinces me that I would be violating my obligations and the demand of my constituency if I should refuse to support this amendment to the agricultural appropriation bill for the purchase and delivery of seeds. I am in receipt of a communication of but a single constituent, out of a total of 300,000, opposing the continuance of free distribution of seeds.

Our farmers and agricultural interests represent the solidity and foundations of the strength, progression, and permanence of our Republic and its institutions. I can not observe any humiliation or undignified conduct in the distribution of this Government patronage. Every rural Member, in his contest for nomination or election, has solicited the true, honest, clean, and nonpurchasable farmer vote, and the victory and success of many Members has depended entirely on this class of our citizenship.

Congress has granted to every Member an allowance for clerk hire. The average clerk has little to do after adjournment, during the summer and fall season. He can with ease and without great loss of time during that period procure the names of those who desire this favor, address the franked slips, and forward them to the Department, whereupon in due time they are forwarded to the persons to whom the franks are addressed. And all this is and can be done without inconvenience, care, attention, or loss of dignity or caste of the Congressman.

If this favor can be called a "graft," then, indeed, it is a small one, and it is the only graft that the farmer receives out of our governmental patronage. It has been said that it is a useless expenditure. If the farmer desires the same, I say and shall insist that we give it to him. The only thing the agriculturist receives for his numerous contributions is good government, the protection of his home and the country in which he lives, which we all so much love.

We had much better cut down the appropriations and the expenditures in other Departments, where we spend hundreds of millions of dollars, than to cut off this patronage or appropriation, which is not equivalent to one thousandth part of our total expenditures.

We have passed a pension appropriation bill carrying almost \$140,000,000. We have enacted into law an Army appropriation bill carrying more than \$80,000,000. We annually appropriate for the maintenance of our Navy more than \$100,000,000. The expenses of our post-office facilities and Post-Office Department aggregate \$190,000,000. To maintain our legislative, executive, and judiciary departments there must be appropriated annually approximately \$30,000,000; our consular service, our fortifications, and the management of the business of our Government annually cost us additionally \$100,000,000 and upward.

May I ask, Who assists and pays a large portion of these enormous expenditures? The answer inevitably must be that the farmer, the agriculturist, and the small holder of real estate contribute their fair proportion. And yet there are some on the floor of this House who, with eloquence and emphasis, would deny this small favor or gift to that class of people who in the past have been enjoying and receiving the same.

Thus wrote my stenographer from my home city during the distribution period about a year ago. She said:

Did you ever read *Oliver Twist*, by Charles Dickens; and if you have, do you remember the famous author's chapter, how the thieves came to see Nancy Sikes? Well, that's me. They have all been here, and they all came for seed. Some were long and some were short; some were fat and some were lean; some had one eye and some had two; but they all came to see Nancy. They have come from the slate and cement regions, from the cities, boroughs, the country districts, and all sections. All classes have come, including the Slavs and Huns, with buckets, baskets, and bags for the seed that Uncle Sam so generously, properly, and considerably deals out to his people. I am kept busy from morning till night giving out seed.

The farmer is subjected to onerous burdens of life in trade and in business. By reason of the inequalities of our tariff schedules he pays proportionately more to the maintenance of the Government than any other class of citizens. Nearly everything that he requires to support and maintain his family, and that he uses to till and cultivate the soil and prepare his commodities for market, are subject to high and unjust tariff duties. The Paris green which he must use to exterminate the potato bug is taxed 15 per cent ad valorem; the paints which he uses to beautify his home and farm buildings are subject to a tariff of \$5.25 per ton; he must pay for his table knives, his forks, steels, and other kinds of knives a duty of no less rate than 45 per cent ad valorem; the nails and spikes, iron and steel, which he requires to make and repair his fences, are taxed six-tenths of 1 per cent per pound; the sugar which he daily consumes in his household is subject to a tax of 0.95 cent per pound on No. 16 Dutch Standard, testing not above 75 degrees, and on every additional degree said article is taxed thirty-five one-thousandths of 1 per cent per pound; the cotton and woolen goods which he and his family wear to protect them from the inclemencies of heat and cold, are heavily taxed; his agricultural implements, manufactured out of iron and steel, are so highly taxed that the farmer and dealers in Europe, South America, and Canada can purchase them cheaper than the American farmer. Yea, nearly everything that he must use and wear contributes, and in many instances unjustly and inequitably, to the support and maintenance of the Government. And yet it is contemplated to deny to the American farmer the use of a few packages of seed, which he has in times past used, enjoyed, and appreciated.

I hope that every Member representing a rural district will remember the farmer vote which he received in his political contest. I believe in reciprocity, and I believe it to be the duty of every Member representing a rural district to support an amendment, such as I suggested during the beginning of my remarks. At least, I shall not have it said that by my vote and action the farmer will be denied the use and reception of this favor or patronage, which is contemplated by an amendment to be proposed to the agricultural appropriation bill now under consideration. [Loud applause.]

The CHAIRMAN. If there is no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For actual and necessary traveling expenses; for telegraph and telephone service; for gas and electric current; for forage, ice, postage, and washing towels; for express and freight charges; for the purchase of chemicals, materials, office, field, and laboratory supplies, fertilizers, office fixtures, fuel, apparatus, machinery, tools, and other implements, and repairs to same, horses, vehicles, horseshoeing, and harness; for rent and repairs, not to exceed \$19,000, in the District of Columbia; and for all other necessary expenses, \$389,260.

Mr. LAMB. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent and repairs; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, printing, postal cards, gas, and electric current, traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, \$242,920, of which amount not less than \$262,000 shall be allotted for Congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at a public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagating, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope of



wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided further*, That \$37,780 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations: *And provided also*, That \$3,000 of the sum thus appropriated, or so much thereof as may be necessary, may be used for the erection of necessary buildings. Total for free-seed distribution, \$242,920. Total for Bureau of Plant Industry, \$792,340.

Mr. WADSWORTH. Mr. Chairman, I reserve the point of order on that amendment. I would like to agree with the gentleman from Virginia as to the limit of debate on the amendment.

Mr. LAMB. What time does the gentleman from New York propose?

Mr. WADSWORTH. How much does the gentleman need on that side?

Mr. HAY. Mr. Chairman, let us have the point of order debated now and decided.

Mr. WADSWORTH. Does not the gentleman want to debate the merits of the amendment?

Mr. HAY. I understand the gentleman from New York has reserved the point of order with a view to have debate on the merits of the amendment. I think we ought to have the debate on the point of order first.

The CHAIRMAN. The gentleman from Virginia demands that the point of order be debated first.

Mr. WADSWORTH. Well, Mr. Chairman, I make the point of order that there is no warrant of law for it.

Mr. POLLARD. Mr. Chairman, I would like to inquire whether this amendment offered by the gentleman from Virginia is an amendment to the paragraph or a new paragraph.

The CHAIRMAN. It is an amendment to the paragraph just read.

Mr. POLLARD. I have an amendment to the amendment, then.

The CHAIRMAN. The gentleman will have an opportunity to offer that at the proper time.

Mr. HAY. I understood the Chair to say that the amendment offered by the gentleman from Virginia was an amendment to the paragraph just read. I did not understand that the gentleman from Virginia offered it as an amendment, but as a new paragraph.

The CHAIRMAN. Does the gentleman from Virginia offer this as an amendment to the paragraph just read or as a new paragraph?

Mr. LAMB. As a new paragraph. The Chair will bear in mind that it embraces the next paragraph in the bill.

The CHAIRMAN. That being the case, before taking up the amendment of the gentleman from Virginia, it will be in order to perfect the paragraph that has just been read, and if there are any amendments they should be offered now.

Mr. KEIFER. And the point of order pending against the amendment offered by the gentleman from Virginia.

The CHAIRMAN. The gentleman from Nebraska offers an amendment to the paragraph which has just been read, which the Clerk will report, and the amendment offered by the gentleman from Virginia will be considered as an amendment pending, as a new paragraph.

Mr. KEIFER. And subject to a point of order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska.

Mr. DAVIS of Minnesota. Mr. Chairman, it seems to me that the amendment offered by the gentleman from Virginia must be an amendment to the paragraph that has just been read, because it changes the total amount; it changes the figures in the final paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska.

The Clerk read as follows:

Amend lines 18 and 19, page 21, by making them read "four hundred and thirty-nine thousand two hundred and sixty dollars."

Mr. POLLARD. Mr. Chairman, I desired during the general debate on this bill to use thirty minutes of time for the consideration of the bill, but there were three or four members of the committee who desired to discuss the bill who gave way last Saturday to allow the prolonged political discussion that took

place. Inasmuch as this is a very important matter which I wish to present, and in view of the fact that I was denied my time under general debate, I should like to ask unanimous consent to proceed for twenty minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that he may proceed for twenty minutes. Is there objection?

There was no objection.

Mr. POLLARD. Now, Mr. Chairman, we have heard a prolonged debate here as to the merits and demerits of free Congressional garden seeds. We have heard very little discussion of the one question that goes to the meat of the coconut. Gentlemen seem to have the idea that there is a great deal of merit wrapped up in this item of the distribution of garden seeds. I take the position, Mr. Chairman, that there is absolutely no good that comes from the item known as the "distribution of garden seeds," where it relates wholly to common varieties, such as are usually sent out under the Congressional frank.

Mr. Chairman, my amendment seeks to increase the appropriation for carrying on the work of introducing new varieties, developing and perfecting new varieties, and the distribution of them throughout the country, and to carry to the people the information that has been accumulated by this Department.

Now, for the distribution of garden seeds there has been appropriated an amount of money as follows:

For the Congressional vegetable and flower seeds, for seeds and plants entering into regular quotas; cotton, tobacco, lawn grass, orange trees, not in regular quotas, and so on, making a total of \$132,754.73. There has also been appropriated in addition to this, from the statutory roll of salaries, \$19,320, and there has also been expended in the payment of freight or postage to the railway companies, in the distribution of these garden seeds, \$34,500, making a total of \$186,574.73 that has been expended for the distribution of common sorts of seeds.

Mr. Chairman, I do not care to enter into a discussion of the merits of these seeds that are sent out. We will all concede that they are the very best that can possibly be secured. There is no question about that at all; but, granting that, the fact remains that there is absolutely no good derived from the distribution of these garden seeds outside of the advantages derived by those who are engaged in truck gardening. I will admit that people who are engaged in gardening in the suburbs of our great cities or on farms near the great cities might perhaps secure some good from the continuation of the distribution of these free garden seeds; but as far as the farmer is concerned, as far as the great mass of farmers of this country is concerned, it does them no good whatever. What good does it do the farmer to receive a little package worth perhaps 25 cents? To show the appreciation that the people in my district have of this matter, I want to read one or two letters that I have received. These letters came unsolicited on my part and are the honest expressions of the writers. Here is a letter from Weeping Water, my own county, Nebraska:

I have just received the garden seed, for all of which I wish to return thanks. Nevertheless I wish the distribution of ordinary garden seed might be discontinued, and believe it ought to be. So far as I can find out, very few, if any, of them are ever used, and when they are, frequently prove to be less desirable varieties than can be bought at home for a little, if any, more than the postage costs the United States.

Here is another letter from a farmer living near the city of Lincoln, Nebr., and he closes his letter by saying:

Cut out old, bum seeds. Anything new and scarce is what we want.

Mr. CANDLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Mississippi?

Mr. POLLARD. I yield for a question.

Mr. CANDLER. Those two letters in which the gentlemen say they want the seed cut out are all right, but I would like to ask the gentleman how many letters he has received from people who desire to have the seed sent to them?

Mr. POLLARD. I want to say to the gentleman that I have sent out under my frank something like 13,000 packages of garden seed, and I have not received to exceed fifteen or eighteen letters in acknowledgment of the receipt of those seeds; and there has not been a single one who has asked me to continue it or who has thanked me for the seeds and who accompanied that statement by the information that the seeds were of any value or that they placed any appreciation upon them at all.

Mr. CANDLER. Mr. Chairman, the gentleman evidently does not understand my question. I ask how many letters he has received making personal requests for garden seed?

Mr. POLLARD. I do not know. I received something like thirty or forty. I have not kept a record of them, but I do not believe the number would exceed that.

Mr. CANDLER. The gentleman has received a great many,

more of that kind of letters than of the kind that he has just read.

Mr. POLLARD. Yes; and I will say in connection with that, that it is customary all over the country for a great many people when they can get something for nothing to undertake to secure it. The part that the people like about this free garden seed is your recognition of them. Now, I have not a doubt but every person who received a package appreciated it from this point of view, that he was glad I did not overlook him, but he placed no importance whatever upon the real value of the seeds themselves.

I want to read now a portion of a letter from the Secretary of Agriculture bearing directly upon this point. In a letter dated March 15, written to Hon. J. A. TAWNEY, the Secretary uses this language:

In my former letter I commented on the value of this miscellaneous distribution of garden seeds, calling attention to the fact that it was difficult to state what such value might be. I also emphasized the fact that in my judgment the money thus expended could be put to better use in line with a class of work described under group 2. As long as the Department is required to do the work, however, it has been our effort to secure the very best seeds available and to see that they were thoroughly tested and true to type in order that their distribution might in a gradual cumulative way encourage people throughout the country to demand the highest grades of seeds.

So it will be seen from the quotation from the Secretary of Agriculture that he is not anxious about the continuation of the distribution of the ordinary seeds, but is anxious about the continuation of the work in the propagation and introduction of new varieties of high value.

Mr. HINSHAW. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. POLLARD. Yes.

Mr. HINSHAW. Is there any reason why under this bill everything that the gentleman asks and all the appropriation he demands should not be put into the bill and at the same time the appropriation be kept up for the distribution of seeds?

Mr. POLLARD. I think there is, Mr. Chairman, and I will answer the gentleman by saying this, that the reason I think that is the case is because I believe that every Member on the floor of this House when he took his oath of office pledged himself to scrutinize every appropriation that came in here, whether it amounts to \$5 or whether it amounts to \$5,000,000, because the principle is the same, and that the expenditure of every dollar of the public money ought to be where it can be of some service and will bring value for value given. And I do not believe there is any good of any character whatever derived from the distribution of free garden seed.

Mr. POWERS. Do you not think those Members who believe that the expenditure of this money is a benefit to the farmers in their district are quite as conscientious in expending money for the public good as any others?

Mr. POLLARD. I certainly do.

Mr. POWERS. Then why refuse this appropriation rather than many others?

Mr. POLLARD. I do not question the motive of the gentleman from Maine or any other gentleman on the floor of this House, and I do not care to be understood in that way at all.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. POLLARD. For a question.

Mr. GAINES of Tennessee. Is not this the first time the gentleman has scrutinized an appropriation bill in this House?

Mr. POLLARD. No, sir; it is not.

Mr. GAINES of Tennessee. What other bills has the gentleman scrutinized?

Mr. POLLARD. All of them that came before the House.

Mr. GAINES of Tennessee. Have you made speeches on them?

Mr. POLLARD. I have not.

Mr. MANN. Oh, yes; you made a speech on the deficiency appropriation bill, and a very good one, too.

Mr. POLLARD. Now, Mr. Chairman, I do not care to devote any more of my time to the discussion of the question of garden seed, but I have another matter that I wish to present to the House that is of the utmost importance, and I wish to devote House that is of the utmost importance, and I wish to devote quite a little time to that. Now, my purpose in making my address to-day is this: I believe there are other fields of the Agricultural Department where we can do a great deal more good for the farmer. If that is the object of our appropriations, if that is the object of our solicitude, to carry the most good to the farmer, then I have another proposition which I submit, and I hope I can receive the careful attention of the committee. Mr. Chairman, we have in the great Mississippi and Missouri valleys of the West something like 92,000,000 apple trees. Last year there were produced on those 92,000,000 trees something

like 62,000,000 bushels of apples, two-thirds of a bushel per tree. This very light yield of apples from these 92,000,000 apple trees was due to the fact that there is existing in the orchards of the great West parasites, insects, and various kinds of fungi that are utterly ruining our orchards. Under a properly cultivated and cared-for orchard those trees that only produce two-thirds of a bushel of apples ought to produce not less than 5 bushels of apples per tree, and that is a very low estimate, as anyone will concede who knows anything about the growing of fruit. Mr. Chairman, with that yield we would have, instead of 62,000,000 bushels of apples, 460,000,000 bushels, or a valuation of not less than \$110,000,000. In addition to that, there is a direct loss to the fruit growers of this country who are engaged in the production of peaches, pears, plums, cherries, grapes, and other varieties of fruit of something like \$40,000,000 more, making a total loss of \$150,000,000 annually. Now, the trouble with this whole proposition is this, gentlemen: There is not a disease that attacks our fruit trees in this country that I know of; there is not a single disease where the remedy is not known; there is not a single one of the many diseases that are destroying the fruit interests of the West that the Agricultural Department here in Washington has not discovered a remedy that will destroy every one of those pests. Now, then, Mr. Chairman, here is a place where we can spend some money at a profit. Here is a place where we can do the farmer some real good. Here is the place where we can spend some money that will add some value to the wealth of the nation. Along this line I wish to spend the money I vote for as a Member in this august body. [Applause.]

Now, Mr. Chairman, in the Bureau of Animal Industry, in our live-stock interests, the situation in a measure is the same. Diseases in our live-stock interests, such as blackleg, scab, that attacks our sheep and cattle; the foot-and-mouth disease, that has recently been suppressed in the New England States; the cattle tick or Texas fever, which has afflicted the cattle interest of the whole Southwest, and many other diseases I might mention, bring about an annual loss of something like \$150,000,000. And in connection with this I wish to say the situation is very different from the fact that the United States Department of Agriculture has furnished the farmer the remedy. When a contagious disease breaks out, when the live-stock interest is attacked by some disease, an expert is sent out there. That contagious disease or territory in which this contagious disease is running rampant is placed under a most strict and stringent quarantine. The most strict quarantine laws are observed in order to wipe out such disease. That is right and proper, and I understand the Committee on Agriculture has taken care of this subject in an ample way, which I think is just.

But the situation is different when we come to our fruit interests. When a farmer sends in a report to the Agricultural Department at Washington that his apples are being destroyed, that his cherries are being destroyed, that his pear trees are being destroyed, by parasites and these other enemies that are affecting his crops, what do they do? Instead of sending experts out there to place a quarantine about the infected district, he is simply sent a farmers' bulletin, and that is the extent of the effort that is made by the Department to help him to control those diseases. Mr. Chairman, in this connection I wish to say that while I appreciate, I think, fully the importance and the value of the farmers' bulletins that are sent out, yet they do not offer a sufficient remedy. When I first came to Washington, in view of the fact that I have always lived on a farm, in view of the fact that that is my occupation now, the first thing that I did was to go to the Department of Agriculture, simply because I thought that that was the one Department in which I had the greatest interest, and the Department through which I could give my people the best service. And the first thing I did was to secure from the Secretary a list of the bulletins that they published. I went through that long list of bulletins, and I was only able to find five or six that I cared to send to the people of my district.

Now, why is that the case? The trouble with these farmers' bulletins lies in the fact that they are written by experts, by scientific men, and they shoot entirely over the heads of the people that are not familiar with scientific questions. The trouble lies in the fact that when a farmer gets one of these bulletins it is couched in technical terms, and after he has read it he knows very little about the practical way of reaching the remedy which is suggested in the bulletin. In addition to that, these bulletins are too verbose; they have too much in them. The scientist discusses too many matters that are entirely irrelevant and have no bearing whatever upon the question in which the farmer is directly interested. As a result his mind is diverted and his attention is attracted to other matters and he does not reach the real remedy that is offered.



And in addition to this, Mr. Chairman—and I consider this one of the greatest objections and greatest faults that I find in these farmers' bulletins—is the fact that we have a great country in these United States, and when one of these scientists comes to write a bulletin he tries to write one that will fit and apply to the whole United States. The bulletin is not prepared with reference to locality, and when a farmer in Nebraska is sent a bulletin it may treat on subjects that relate wholly to the New England States, and vice versa.

My colleague [Mr. HINSHAW] has just handed me a slip of paper which carries the information that the suggestion has gone out that I am a nurseryman. I do not know that that has any bearing on the question, but I simply want to say that I never sold five cents' worth of shrubs or trees of any character in my life, nor was I ever connected with any nursery of any character whatever. I do not know that it would be any offense if I had been, as far as that is concerned.

My attention has been diverted from the point I had in mind, but I wish to come back to it.

I think that the Committee on Agriculture ought to take up this subject of farmers' bulletins, and I think the whole system ought to be revised. When a bulletin is published, I do not care on what subject it treats, it ought to be prepared with reference to a locality, and when a Congressman from Mississippi or from Nebraska or from any other State sends to the Department for a bulletin he ought to be given a bulletin that relates wholly to the subject applying to his district or locality.

Mr. MURDOCK. May I interrupt the gentleman?

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. POLLARD] has expired.

Mr. HINSHAW. Mr. Chairman, I ask that the gentleman may have time in which to conclude his remarks.

The CHAIRMAN. The gentleman from Nebraska [Mr. HINSHAW] asks that his colleague, the gentleman from Nebraska [Mr. POLLARD], may have leave to complete his remarks. Is there objection?

There was no objection.

Mr. MURDOCK. The gentleman has read some of these farmers' bulletins himself?

Mr. POLLARD. Yes, sir.

Mr. MURDOCK. I have read a good many of them very carefully, and a good many of them are on general subjects. I have found them all very interesting and all very simple, and I approve of them. Now, the gentleman said they should be written as regards locality. Will he give the subject-matter of some of the bulletins that ought to be written as regards locality—cotton, of course, as regards the South, and corn as regards the Mississippi Valley? Now, will the gentleman give us just one bulletin regarding one locality that is not written?

Mr. POLLARD. I shall be glad to do so. Take the one subject of fruit industry. It is a fact that no bulletin can be prepared with reference to the State of Kansas. Carry it down to the last analysis, affecting the question of apples, that will apply to your whole State. Now, then, when that fact exists in relation to a single State, why is it that the great Department of Agriculture goes on and prepares bulletins that should not take into account the different sections and localities of the country and have the bulletin prepared with reference to the peculiarities of that locality instead of making them all of a general character?

Mr. HOWELL of Utah. Is it not a fact that the agricultural colleges of the different States are able to make up the bulletins necessary for that particular State and supplement the bulletins sent out by the Agricultural Department?

Mr. POLLARD. They do a splendid work along that line, and they do great good, and so far as they go their work is complete, but the trouble with the whole matter is this—

Mr. HOWELL of Utah. Would it not be better to intrust the State agricultural colleges of the different States with those investigations that apply to the different States in which the colleges are situated, and provide them with the necessary means rather than intrust the whole matter to the Department of Agriculture?

Mr. POLLARD. I will take that matter up when I reach it during the course of my remarks. I do not care to do so at this time.

I do not wish to take the position, nor do I wish to carry the impression that I am opposed to the publications of these farmer bulletins, because that is not the case. I think these bulletins do great good. I think they ought to be published, but I think this whole system ought to be revised, and that the bulletins ought to be remodeled. A great deal of the matter that is put in them ought to be eliminated, because it is not germane and is immaterial. It ought to be cut out and the bulletin ought to be made more plain, more explicit, and simple

and clear of all scientific and technical verbiage that simply beclouds a man who is not familiar with scientific questions.

Mr. LEVER. Will the gentleman allow me to ask him a question?

Mr. POLLARD. Certainly.

Mr. LEVER. As I understand the gentleman from Nebraska, his idea is that the bulletins of the Department ought to have more peculiar reference to the individual communities and sections?

Mr. POLLARD. That is my idea.

Mr. LEVER. Let me ask the gentleman if he does not think it best to permit the State experiment stations through their bulletins to reach that problem?

Mr. POLLARD. Now, Mr. Chairman, I will say that which I have in mind is this: I received a bulletin from the Department of Agriculture which I think was one of the best bulletins I read among the whole lot which were sent to me for distribution. I did not send out this particular bulletin. The trouble with the bulletin was this: It went on to urge persons to plant orchards for home use. It presented the idea that every farmer in every part of the country should plant in his garden at least sufficient fruit trees to produce enough fruit for the use of his own family—and that is right; that is something we ought to encourage with every farmer from one extreme of the country to the other; he ought to have a garden patch in which he should have certain trees of all the particular kinds of fruit that will grow in that section of the country, so that the family could have fruit all the year. The trouble was that it recommended certain varieties of trees to be planted. If I had sent that bulletin out to the people of my district it would have told the farmers to plant certain varieties of trees that every farmer who knows anything about fruit trees in that country knows will not grow in our section of country, thereby absolutely nullifying all the good effects that might be derived from that particular bulletin. That is why I object to these bulletins, and that is the trouble about them. They put something into them that destroys the force and effect of all good that might be derived from the whole bulletin.

Now, Mr. Chairman, I must hasten on. The position I take is that I want these bulletins revised, simply eliminating abuses that have grown up and those features that tend to confuse the mind of the farmer.

The present purpose of my whole remarks, and the purpose of my amendment is this: I want, instead of sending out these farmers' bulletins, that is general, as an entire solution of this problem and as the summum bonum of all the work the Department does of this kind, I want to send the experts into the country from the Department of Plant Industry, just the same as they have in the Department of Animal Industry.

Through the experiment stations, I want experts sent out to teach the people how to apply the remedies that will control these evils. Down here in Virginia and West Virginia during the last year they have lost something like \$10,000,000 as a direct result of the ravages of the bitter rot in the apples, and yet the Department here at Washington has positive information that will enable the people down there entirely to drive out that disease that is destroying the apple crop. The same thing is true in the great West. We have out there a disease known as the "apple scab," which is prevalent all over the country, but which has broken out in very virulent form all through the Mississippi Valley and is literally destroying our whole fruit interest. Now, I want the Department of Agriculture to take experts, and, through the Nebraska Experiment Station, through the Missouri Experiment Station, through the Iowa Experiment Station, and all these other experiment stations, by cooperation with them and with the fruit growers, introduce methods that will exterminate these evils and these diseases that are destroying our fruit interests. I think this work should be carried on all over the country. It has begun in a small way through the South. The Department of Agriculture has spent thousands of dollars in educating the people of the South how to combat the cotton boll weevil. It has cooperated in the way I have suggested should be done with our fruit interest, in introducing new varieties of cotton that will ripen before the boll weevil comes in and by improving the quality of the cotton along other lines has done a great work which I think is right. I have no objection to that money being spent in the South, but I want the same energy that has been put forth for the suppression of the cotton diseases in the South also to be expended throughout the North and the Northwest.

A great deal has been done in the way of farmers' institutes in carrying information to the farmers as to how to destroy these pests that are devastating our crops, and that also is a good work, but there is nothing that does the same amount of

good or that will carry the same amount of weight or the same influence as an oral or ocular demonstration. Oral demonstrations should be conducted under the supervision of these Government experts in the different fruit sections and demonstrate to the people how to control these diseases. Experts should be sent direct into orchards here and there all over the fruit belt. The farmers in the surrounding neighborhood should be invited to witness the oral demonstration the expert makes. In this way the orchardist will be taught what remedies to use, and how and when to apply these remedies that will destroy these pests. That is what I am pleading for now. In my amendment I have asked that \$50,000 be added to this item for the purpose of carrying to the people this great fund of information that has been gathered on this subject.

We have spent thousands upon thousands of dollars in accumulating this scientific information that is of inestimable value to the people. Now, gentlemen, those of us who are so anxious to do something for the farmer, to give him something of real value, let us insert this item in the appropriation bill and clothe the Agricultural Department with funds that will enable them to go out in the country and give the people the information that will make them able to control these pests that are simply exterminating the fruit interests all over the United States. [Applause.]

Mr. Chairman, I am using altogether too much time, but there is another very important subject that I can not pass over without referring to it at least casually. That is the subject of the improvement of the standard of quality of our seeds. A great deal has been done in the last few years in the way of plant breeding, of improving the quality of our seeds. It has been the custom for years in the animal kingdom for men who are engaged in the production of certain strains of cattle and hogs and horses to breed to a type. Their animals are pedigreed and they keep on breeding year after year, gradually perfecting the breed and attaining the ideal standard. Now, it is found that in the plant kingdom men can breed with greater accuracy. They can produce the desired type to a greater degree of certainty, than in the animal kingdom. Great work has been done along that line.

Now, to call your attention to one great loss of the agriculturists of the country, I want to refer to our wheat interests. In 1903 we produced in this country 33,000,000 bushels less wheat than we produced in 1902. The average yield was 1½ bushels less per acre. In 1904 we produced 120,000,000 bushels less wheat than we did in 1902, a reduction in the average yield of 2 bushels per acre. We lost in those two years 150,000,000 bushels of wheat, and it was due entirely to the ravages of the rust in the wheat and to the Hessian fly. Now, here is a great field for the agriculturists to work in. Here is a great field of opportunity for the agricultural scientists to carry some information to the people that will be of real value.

The Department has discovered, as I understand, that it is impossible to introduce a cure or a remedy that will destroy the rust, so they have started out on another line. They have undertaken by breeding to produce a new variety of wheat that will be rust-resisting, and I understand the Chief of the Bureau of Plant Industry says that they have already originated a species that is rust-resistant. We should encourage this work. If we can aid these experts to introduce a new variety of wheat that will be immune to rust it will be worth millions of dollars to the farmers of the country.

Now, here is another line on which I want some of this \$50,000 which I have asked to be inserted in the bill to be spent. That is along the line of corn. There is an inviting field of experimental work and the Department is doing work along this line. I do not wish to carry the impression that they are not doing that, because they are, but I want the work to continue. I want the work pressed forward. I want more money spent along that line, because it is of the greatest possible consequence to the people all over the country.

Mr. MARSHALL. Will the gentleman yield for a question?

Mr. POLLARD. Certainly.

Mr. MARSHALL. It has been understood that the committee intended to offer an amendment similar to this, except that the amount would be \$76,000 instead of \$50,000. Why does not the gentleman, if he is in favor of these things which he has been talking about, increase his amendment to the amount which the committee are in favor of?

Mr. POLLARD. I am glad the gentleman has asked me the question. I will answer it in this way: The \$76,000 that the committee proposes to insert in the bill simply gives the Department of Plant Industry an amount of money they had last year. I believe the chairman of the committee thinks that it carries something like \$3,000 or \$4,000 more than they used last year for that work.

Mr. WADSWORTH. The bill carries \$15,000 more than last year.

Mr. POLLARD. I beg the gentleman's pardon; it does not carry \$15,000. If \$15,000 were added to the bill, according to the gentleman's suggestion, it would not increase the appropriation for the other work by \$15,000, but by \$4,000.

Mr. WADSWORTH. Mr. Chairman, if the gentleman will allow me, he has quoted me and I want the statement correct. I stated that the appropriation for the Bureau of Plant Industry is increased \$15,460 over the appropriation allowed the Bureau of Plant Industry last year.

Mr. POLLARD. I thank the gentleman for his information. The gentleman from New York always tries to confuse the situation. I remember, when we had before us a discussion on the deficiency appropriation for the inspection of meat, the gentleman came in with the assertion that the Department had all the money it needed; all they had to do was to divert the appropriation along the line asked for. The trouble with the suggestion lies in the fact that if you do that they must and will be compelled to take it from some other work that is already being carried on, and that is the trouble with this suggestion. The \$15,000 the committee has added to the bill has been asked for by the Chief of the Bureau for other work, and has nothing to do with the matter I am suggesting, and the gentleman knows very well that it does not.

Mr. WADSWORTH. If the gentleman will pardon me, I did not refer to the work he is in favor of. I said that the amount appropriated for the Bureau of Plant Industry had been increased \$15,460 over the amount carried by the bill for the Bureau of Plant Industry last year. I am not referring to the work that the gentleman from Nebraska wants done; I am not referring to any particular work that the Bureau wants to do. I am simply referring to the amount of the appropriation.

Mr. POLLARD. I did not mean to misquote the gentleman.

Mr. MARSHALL. Will the gentleman yield for a question?

Mr. POLLARD. Certainly.

Mr. MARSHALL. I still do not understand that the gentleman has answered my question. I would like to know whether he is willing to increase this amount to \$76,000. I am for his amendment, but I am preferably for the amount that the committee wants inserted.

Mr. POLLARD. I was interrupted before I had finished my answer. I am glad the gentleman has called my attention to it. The \$76,000 that the committee seeks to add to this item in the bill will give, I think, only \$4,000 more than the bill now carries. I will qualify that statement in this way: The \$76,000 proposed simply seeks to cover the work that has been done heretofore in introducing new and choice varieties of seed and the cooperation work that is being done all over the country through the agricultural experimental stations. That is what the \$76,000 seeks to cover. The bill as it now stands does not do that; it covers \$37,740, which is to cover the work that has been done heretofore in accumulating choice seeds bought in foreign countries and bringing them into this country to introduce them—fruits, and things of that kind. Now, then, this \$76,000 seeks to continue that work and help to introduce new varieties that are propagated in this country by breeding or otherwise. It simply gives the Bureau of Plant Industry the same amount of money, plus \$4,000, that they had last year.

That is what the \$76,000 seeks to cover, and if \$76,000 is added to the bill, it will then give the Agricultural Department \$4,000 more than they had last year for that particular work. Mr. Chairman, I want added, in addition to that, \$50,000 to extend the work that I have been advocating on the floor. That \$4,000 is not sufficient if this work is to be carried on as it should be all over the country. The Department has been accumulating this information, and what the committee wants is that they should continue that. I want them to do more than that. I want they should continue the improvement of this and then carry the information to the people, so that they will have the benefit of it. That is all there is to this whole proposition, and that is all there is to my amendment. If the committee comes in and seeks to increase the amount \$76,000, I want the \$50,000 also to be added in order that this work may be taken care of.

The Department, through its experiments, has demonstrated that under proper selection and cultivation not only the yield of corn can be increased but that the protein content can also be increased. Corn is the great staple crop of the West. This is the cereal that puts the fat on our swine and cattle. Scientific men tell us that corn, as a feed, is too rich in fat-producing ingredients and deficient in protein matter. In order for corn, with clover or timothy hay, to make completely balanced ration the protein content of corn should be increased. Under experiments already undertaken it has been demonstrated that this can be done by proper breeding and selection.



For the last six years there has been an annual yield of \$2,261,000,000 in round numbers. If this work is encouraged by enlarging the appropriation for this item it seems to me that it is fair to assume that the annual yield can be increased not less than 10 per cent. This would increase the annual production of corn by at least \$22,500,000. Mr. Chairman, I am in favor of substituting for the free garden seed expenditures appropriations for carrying on oral demonstrations with the farmers from all over the country through the State experiments that will give the people information that will enable them to destroy the pests that are ruining our fruit interests. I am also in favor of spending some money for the development of a variety of wheat that will be rust resistant and for a variety of corn that will give a larger yield and a greater protein content. I am in favor of spending money along lines that will result in adding millions of dollars annually to the wealth of the farmers of this country. I think it is more important to give the farmer a variety of corn that will give an increased yield of 10 or 15 bushels per acre than it is to send him a package of garden seed that is perhaps worth 10 cents.

In conclusion, I wish to say this: We have been expending money ever since the foundation of the Government in different ways for the benefit of the people. We have been expending money for the improvement of our harbors and our rivers. We have been expending money for constructing levees along our rivers. We have been expending money for the expansion of the rural free delivery throughout the country, and we have been expending money for the erection of public buildings for the accommodation of the people. That work is all good. I have no objection to it, but the idea goes out or is suggested that this is a matter that should be left to the States, that Congress ought not to take it up. If that is the case, why is it that the people living along the river that should be dredged and deepened for the use of commerce should not bear that expenditure? Why should not the people pay in the different localities in the different communities for the extension of the free rural service? Why should not the people in the cities pay for the erection of their own public buildings, if that should be done? No one pretends that the people in the local communities should bear this expense. It is right that the Government should pay for it. My proposition is simply in line with work that has been carried on ever since the beginning of the Government. I believe it is right and proper that Congress should help to build up this great industry and help to extend the scope of it, and that is why I am advocating this amendment to-day, and I hope the committee will see to it that when this paragraph is passed it will carry not only the \$76,000 the committee seeks to add to it, but also the \$50,000 that I am presenting. [Great applause.]

I want to explain this matter before I leave the floor. If the amendment offered by the gentleman from Virginia [Mr. LAMB] be adopted, it will simply give to the Agricultural Department the same amount of money and no more than they had last year. It will not extend to this Bureau anything excepting this \$15,400 which the chairman says they have added to the bill, but that is put in for some other work. I want this \$50,000 added here and then when we take up the amendment of the gentleman from Virginia [Mr. LAMB] and that is adopted, that only will carry what the Department has had heretofore plus the \$15,000 which the chairman of the committee says they have given, and I want my \$50,000 added on to that. For that reason, I hope the \$50,000 will be added, and then when we take up the amendment of the gentleman from Virginia [Mr. LAMB] we can add on the \$76,000 which the chairman of the committee says they propose to insert in the bill. [Applause.]

Mr. WADSWORTH. Mr. Chairman, it was my intention, by direction of the Committee on Agriculture—

The CHAIRMAN. If the gentleman will suspend for a moment, the Chair will state that the gentleman from North Dakota [Mr. MARSHALL] wanted to offer an amendment to the pending amendment.

Mr. MARSHALL. Mr. Chairman, I shall withhold my amendment for the present, until the chairman of the committee makes his statement.

Mr. WADSWORTH. Mr. Chairman, I was directed by the Committee on Agriculture to ask that the appropriation be increased \$76,000 for the Bureau of Plant Industry, and at the proper time I propose to offer such an amendment. If that is done the amendment of the gentleman from Nebraska [Mr. POLLARD] increasing the amount by \$50,000 is not necessary. The Department asks only \$76,000, and they will be perfectly satisfied and will be able to do the work that the gentleman from Nebraska wants and all other legitimate work during the fiscal year. I hope, therefore, that the amendment of the gentleman will be voted down.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. WADSWORTH. Yes.

Mr. MANN. What is this \$76,000 for?

Mr. WADSWORTH. It is "For the collection, purchase, testing, propagating, and distribution of rare and uncommon seeds, bulbs, trees, shrubs, vines, cuttings, etc." I quote the language of the bill.

Mr. MANN. I understand what the bill says, and I understand also that that has not been the practice of the Department. What I want to get at is the fact. Does the gentleman propose to offer an amendment which will permit the Bureau of Plant Industry to use directly the sum of money which heretofore it has used out of the so-called Congressional seed fund?

Mr. WADSWORTH. Yes.

Mr. MANN. For the distribution of valuable plants.

Mr. WADSWORTH. That is it.

Mr. MANN. So that that omission is to be corrected.

Mr. WADSWORTH. All the work of the Bureau of Plant Industry has been consolidated and covered, I might say, in one paragraph. Formerly there was a division of pathology, a division of botany, a division of agrostology, a division for tea investigation and sugar investigation, and others, and Mr. Galloway, the head of the Bureau, consolidated all these investigations in one paragraph, which expedites and facilitates the auditing of the accounts in the Treasury Department and results in less work. On page 18—

Mr. LIVINGSTON. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Georgia?

Mr. WADSWORTH. In just a moment. On page 18, in line 11, "to study plant and orchard diseases and demonstrate the treatment of the same." That covers the work the gentleman from Nebraska wants.

Mr. POLLARD. That authorizes the work, but it does not give the money to carry it out.

Mr. LIVINGSTON. I want to ask the gentleman from New York, the chairman of the committee, if this amendment is adopted does the proposition make appropriation for common seeds or does it affect the proposition of \$37,000 to be given the experimental stations?

Mr. WADSWORTH. No; it does not; that is the next paragraph of the bill, at the bottom of page 21.

Mr. LIVINGSTON. Now, I ask you to close up this paragraph you are on before taking up the next one.

Mr. WADSWORTH. We are not taking up the next one. The motion before the House is that of the gentleman from Nebraska to increase this appropriation \$50,000.

Mr. THOMAS of North Carolina. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS of North Carolina. As I understand it, the amendment of the gentleman from Virginia [Mr. LAMB] is pending as an independent and separate paragraph. Now, to what part of the bill is this amendment of the gentleman from Nebraska [Mr. POLLARD]—is it after the word "dollars," in line 19 of page 21?

The CHAIRMAN. It is pending to the last paragraph read.

Mr. THOMAS of North Carolina. I ask that it be again read for the information of the committee.

The CHAIRMAN. Unless objection is heard, the Clerk will again report the amendment.

The amendment was again reported.

Mr. HINSHAW. Mr. Chairman, I wish to ask this question of the gentleman from New York: If this committee should put back into the bill the \$240,000 for Congressional seed distribution, and then add the \$76,000 you have suggested in your coming amendment, will it be an addition of \$76,000 to what the former bill carried?

Mr. WADSWORTH. It will.

Mr. POLLARD. I would like to ask the gentleman from New York whether if the amendment of the gentleman from Virginia prevails, adding to the bill \$240,000, which he says it carried, whether then the gentleman from New York will seek to add on the \$76,000?

Mr. WADSWORTH. I answered that question to your colleague. I stated it would increase it \$76,000.

Mr. POLLARD. In addition to \$240,000?

Mr. WADSWORTH. I answered that question to your colleague.

Mr. BROOKS of Colorado. I am afraid gentlemen do not understand the effect of the amendment of the gentleman from Nebraska. It certainly should not prevail in the interest of the larger work of the Department, because it is not adequate. It only adds \$50,000. Now, the committee amendment proposes to add to the same item \$76,000. Therefore if we vote for the

amendment of the gentleman from Nebraska you vote to restrict rather than enlarge the very work that you seem to take so much interest in and in which the committee has just as much and just as genuine an interest.

Mr. POLLARD. I would like to ask the gentleman a question. If the committee wants to increase this paragraph by \$76,000, why does it not introduce an amendment?

Mr. BROOKS of Colorado. Because we have not got to it, and the amendment is in the hands of the chairman to introduce just as quick as we get to it at the proper time.

Mr. POLLARD. Well, we are at the place now. Now, I would like to have this situation thoroughly understood. I do not want to be misunderstood in this matter. What I want to do is to increase the appropriation for this Department by \$50,000 in excess of what they had last year. Now, then, if the chairman of this committee—

Mr. ADAMS of Wisconsin. To clear this situation up—and I think possibly the gentleman himself is somewhat confused as to the actual meaning of this bill—now, when we cut out the Congressional seed distribution business and cut everything out, we did not make any provision for the growing of varieties of grain and plants here or for the purchase of rare and valuable seed. But the committee agreed among themselves to restore that portion of the original law which had been cut out, and we have not reached it.

Mr. POLLARD. This is the paragraph right here.

Mr. ADAMS of Wisconsin. And the gentleman from Nebraska proposes to add to this total, so that it shall be four hundred and thirty some odd thousand dollars, while the committee amendment proposes to increase it to \$465,000.

Mr. POLLARD. Now, Mr. Chairman, the committee is simply undertaking to befool this situation. What I wanted to do, as I said, is to increase it \$50,000 over what they had last year. Now, if the committee is sincere in their position, why do they not undertake to increase my amendment by the \$76,000? Why do they not do that?

Mr. ADAMS of Wisconsin. We are perfectly willing.

Mr. BROOKS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. POLLARD. I will yield to a question.

Mr. BROOKS of Colorado. Does the gentleman question the good faith of the committee and its purpose to introduce this amendment for \$76,000?

Mr. POLLARD. I do not. Not at all. But, Mr. Chairman, I want my amendment adopted, and then if the committee are sincere and want to bring in their amendment, they can do so. My amendment is directly before the House. Let us adopt that. That is to increase this appropriation by \$50,000, and then if the chairman of the committee wants to bring in his amendment he may do so. But let us put on this \$50,000 first.

Mr. WADSWORTH. Mr. Chairman, let me say just one word.

Mr. MANN. Is there any way we can get information?

Mr. WADSWORTH. Mr. Chairman—

Mr. POWERS. Mr. Chairman, as I understand, the gentleman from Nebraska consumed the definite time that was given to him and surrendered the floor.

The CHAIRMAN. The gentleman took it again for five minutes. His time has expired and he has resumed his seat.

Mr. POWERS. Mr. Chairman, during the time I have served in this House I believe I have never made any objection to any extension of time, but if we are ever to get through with this bill I think I must make objections to any extensions in the future.

Mr. MANN. Mr. Chairman, I move to amend by striking out the last word of the amendment.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word of the amendment.

Mr. MANN. Mr. Chairman, I would like to make an inquiry of the distinguished gentleman from New York [Mr. WADSWORTH] as to where he proposes to insert the additional \$76,000.

Mr. WADSWORTH. I was going to insert it on page 22. The total for the Bureau of Plant Industry, \$587,200, with that increase of \$76,000 would be \$663,200, and if the amendment of the gentleman from Virginia prevails that will be so much more, and the total will have to be corrected. I was going to correct the total all at once.

Mr. MANN. If the amendment of the gentleman from Virginia prevails that takes care of the question. But suppose it does not prevail?

Mr. WADSWORTH. It only partly takes care of the question.

Mr. MANN. You say you increase the bulk sum of the appropriation?

Mr. WADSWORTH. Yes.

Mr. MANN. That would not do any good. You have got to increase the authority to spend somewhere.

Mr. WADSWORTH. Oh, no. They have all the authority they want.

Mr. MANN. I see no authority in here authorizing the Department of Agriculture to do what they have been doing for years—as, for one instance, sending out seed that is inoculated with bacteria.

Mr. WADSWORTH. On the bottom of page 18, line 20, it reads:

To investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other micro-organisms in soils and in the root tubercles of leguminous and other plants.

Mr. MANN. Will that authorize—

Mr. WADSWORTH. That authorizes just what the gentleman requests.

Mr. MANN. As I understand, that distribution has been made from the fund provided in the so-called "Congressional seed distribution?"

Mr. WADSWORTH. It is from the Bureau of Plant Industry fund.

Mr. MANN. And a portion of that money, I understand, has been used in the distribution of these seeds which are sent out through the country at the request of Members of Congress or otherwise, not included in the ordinary quota of distribution?

Mr. WADSWORTH. A portion of it has been used for this purpose—"to collect, purchase, propagate, test, and experiment with rare new seeds, bulbs, trees, shrubs, vines, cuttings, and plants."

Mr. MANN. That paragraph of the bill only relates to the seed imported from foreign countries?

Mr. WADSWORTH. Oh, no.

Mr. MANN. Oh, well—

Mr. WADSWORTH. I know what I am talking about. If the gentleman will look at the bottom of page 21 he will see the paragraph he refers to. It reads:

For the collection, purchase, testing, propagating, and distribution of rare and uncommon seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions, etc.

Mr. MANN. I thought the gentleman was referring to that paragraph.

Mr. WADSWORTH. No. I was referring to line 7 on page 20.

Now, Mr. Chairman, I think I can simplify this whole thing. I move, as a substitute for the amendment offered by the gentleman from Nebraska, the committee's amendment, that the amount be increased by \$76,000. I move that as a substitute for the amendment offered by the gentleman from Nebraska.

Mr. DAVIS of Minnesota. Mr. Chairman, I move to strike out the last two words, and do so for the purpose of getting some information and give what I believe is the situation. Mr. Chairman, the paragraph on page 21, beginning with line 9 and ending with line 19 with the word "dollars," is the last paragraph that has been read in this bill. That paragraph does not in any way contain reference to any of the matters under discussion. At the expiration of the reading of that paragraph ending on line 19, the gentleman from Virginia offered an amendment which was, in substance and in fact, the old law which carried with it the Congressional seed appropriation. In my judgment, the time for the introduction of that amendment, or substitute, as it is, should have been postponed until the conclusion of the reading of the next paragraph. The gentleman from Virginia said that his substitute, or his amendment, took the place of the succeeding paragraph.

Mr. WADSWORTH. The motion of the gentleman from Virginia is not before the House at all at the present time.

Mr. DAVIS of Minnesota. That is what I am coming to.

The CHAIRMAN. It is not before the House, and it is an additional paragraph.

Mr. DAVIS of Minnesota. But, Mr. Chairman, at the conclusion of the reading of the substitute, or amendment, of the gentleman from Virginia the gentleman from Nebraska moved to amend the gentleman's motion, as I understand it.

Mr. WADSWORTH. No; increase the sum, \$389,260, by \$50,000. That is the motion of the gentleman from Nebraska—to increase that sum \$50,000. I ask him if that is the case?

Mr. POLLARD. It is.

Mr. DAVIS of Minnesota. Now, the chairman of the Committee on Agriculture proposes, when we reach the next paragraph, to increase it \$76,000, accomplishing the same purpose as the gentleman from Nebraska. There has been considerable discussion upon that. I do not think the House understands it. Now, in my judgment, the adoption of either one of these proposed amendments would tend to defeat the Congressional seed distribution.



Mr. WADSWORTH. That does not defeat free seed distribution.

Mr. DAVIS of Minnesota. In my judgment that will be the effect of it.

Mr. WADSWORTH. The gentleman is entitled to his opinion.

Mr. DAVIS of Minnesota. Certainly; therefore to clarify this situation, it seems to me we ought not to increase any of these totals until the amendment of the gentleman from Virginia is voted on, to ascertain whether Congress desires to continue the Congressional appropriation for the distribution of seeds. The law refers to "new and valuable seeds." And in my judgment the motion of the gentleman from Virginia seeks to introduce into the Western States and all States certain new and valuable seeds, as the statute contemplates. There is no law authorizing the purchase of rare and uncommon seeds upon the statute books at the present time. The next item, if allowed to stand here as the committee left it, would be subject to the point of order. I shall disagree with the gentleman from Nebraska in what he says as to the value of the seeds. Certainly those that are included in the Congressional distribution are new and valuable, but I do not care to take up that, because that question will come up as soon as the motion of the gentleman from Virginia is reached.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. Mr. Chairman, I would like to have two minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that his time may be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIS of Minnesota. Now, it seems to me, to simplify the whole situation, that if they would pass the pending paragraph, and after it is concluded then read the succeeding paragraph, beginning with line 20, page 21, and at the conclusion of that if we would adopt the motion of the gentleman from Virginia and let the amendment of the gentleman from Nebraska and the committee amendment be added, the whole situation would be made clear, and then you can amend the totals corresponding with the fact, and the committee can vote intelligently upon the matter. [Cries of "Vote!"]

Mr. MARSHALL. Mr. Chairman, I desire to offer an amendment to the substitute offered by the gentleman from New York.

Mr. WADSWORTH. Mr. Chairman, has my substitute been reported by the Clerk?

The CHAIRMAN. It has not.

Mr. WADSWORTH. I would like to have it read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Strike out "thirty" and insert "sixty-five;" so as to read: "Four hundred and sixty-five thousand two hundred and sixty dollars."

The CHAIRMAN. That is an amendment to the pending amendment.

Mr. WADSWORTH. That is what I understand.

The CHAIRMAN. The Clerk will report the amendment in the nature of a substitute offered by the gentleman from North Dakota.

The Clerk read as follows:

Increase the amount of the substitute of the gentleman from New York, by increasing the amount \$25,000; so as to read: "Four hundred and ninety thousand two hundred and sixty dollars."

Mr. MARSHALL. Mr. Chairman, I desire to increase this total as suggested by the substitute of the gentleman from New York, by the amount of \$25,000, to be used for a purpose outlined in a bill (H. R. 8753) which I introduced and which has been pending before the Agricultural Committee. The bill provided—

That there be appropriated, out of the public moneys in the Treasury of the United States not otherwise appropriated, for all expenses necessary to enable the Secretary of Agriculture to investigate methods of dry-land farming suited to the arid and semiarid regions of the Western United States, where irrigation is impracticable, the sum of \$60,000, of which sum \$5,000 shall be immediately available.

Upon my request, this bill was referred to the honorable Secretary of Agriculture, and upon that bill he made the following report:

It is the evident intention of the framer of this bill to provide additional funds for the development and extension of the work in dry-land farming already begun under an appropriation made last session for cereal investigations. This work has developed so rapidly and the demands from the people in the semiarid portions of the country have become so urgent within the last few months that it is now evident that additional funds will be necessary if the work is to be developed to the extent demanded by the conditions which exist in this vast area which can not be reclaimed by irrigation but which must be utilized by some method of dry-land farming in order to provide homes for the people who are flocking to these unoccupied lands in such numbers, and to prevent as far as possible the disastrous failures that have heretofore been the result of attempts to settle this region. I have a number of times called attention in my annual report to the importance of this line of investigation.

Now, mind you, these are the words of the Secretary of Agriculture.

And I believe that if this bill (H. R. 8753) be incorporated in the general appropriation act of the Department much needed work could be done.

Now, Mr. Chairman, I appeared before the committee and made a strong statement of the conditions prevailing in an immense tract of country, about 200 miles in width, which extends from the Canada line to the Gulf of Mexico. For several years preliminary work has been in progress by the Department of Agriculture in the study of dry-land agriculture. Nearly one-third of the area of the United States has insufficient rainfall for the best culture of the ordinary crop plants. It has been pointed out in previous reports that after all possible extension is made of irrigation there must remain enormous areas, approximating a fourth of the entire land surface of this country, which will necessarily remain perpetually in their present arid or semiarid condition for want of an adequate supply of water for irrigation. Dry farming is a necessity in order to utilize such lands where irrigation can never be practiced. Enough preliminary work has now been accomplished to show that large areas of such dry but often extremely fertile lands can ultimately be utilized by adopting systems of dry farming and cultural methods and specially adapted crop plants. To carry out the introduction of new industries in such regions it is necessary to study most carefully the life history of each particular crop which it is desired to introduce in order to determine with some degree of accuracy its needs as to climate and soil and its cultural requirements and the best methods of marketing or otherwise utilizing its products. It is believed that a careful investigation of this whole subject will establish methods and systems and determine the crops suited to build up agricultural industries on a safe basis in such regions.

The simple facts are, gentlemen, that a vast area of country extending, as I have said, from the Canadian line to the Gulf of Mexico has recently been and is being settled up rapidly to homesteaders, and throughout that region there is what may be termed an "area of doubtful rainfall," the rain averaging from 10 to 15 and possibly, in some small sections, 20 inches per annum. Owing to a few recent extra good years the people have been pouring in there, but unless some remedy is found for the prevailing conditions many of them will suffer and be obliged to desert their homes.

Now, at the same time that my bill was considered by the honorable Committee on Agriculture there were one or two other bills of a somewhat similar character considered, and out of these grew some confusion. The other bills provided for experiments to be carried on by the Bureau of Experiment Stations, and the Committee on Agriculture have provided, in the language of their bill, \$25,000 to be used for this purpose. That item comes under the next heading, of "Experiment stations."

[Here the hammer fell.]

Mr. NORRIS. I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from North Dakota may proceed for five minutes. Is there objection?

Mr. LIVINGSTON. I object.

Mr. NORRIS. Mr. Chairman, I move to strike out the last word.

Now, since the gentleman from North Dakota [Mr. MARSHALL] can not proceed, I desire to offer a few suggestions along the line of his amendment. If I can't get time for him, I will take up the subject myself. I should like to have the attention of the Members of the House briefly while I call their attention to some conditions existing in the western part of our country that his amendment seeks to reach.

In the western part of our country there is a large section that from its very nature can not be brought under irrigation, a section that has rainfall enough during a year to raise a crop, but because the rainfall comes at such irregular intervals—sometimes too much and often not enough—there results a failure of crops. This soil is of the richest in the world. Scientific investigation and experimentation have demonstrated that during a long dry spell there are perpendicular pores formed in this soil terminating at the surface of the ground, and through these pores the moisture reaches the surface and passes off by evaporation. Scientists have demonstrated in various ways, notably by what has become known as the "Campbell system," that if these pores can be broken up and this evaporation prevented this moisture in the soil can be used in the sustenance of plant life, for the production of crops.

Mr. JOHNSON. Will the gentleman yield?

Mr. NORRIS. In a moment. This method, recently discovered, has been designated as "dry farming" in that portion

of our country where irrigation can not be had and where there is not sufficient rainfall at all seasons of the year to produce a crop, and these experiments have been made mainly by private parties, with the idea of conserving the moisture in the soil and using it at times when no moisture comes in the shape of rain, for the purpose of feeding and caring for the crops that grow on the land. This amendment seeks to appropriate money for the Department of Agriculture to continue those experiments. It has been determined already that where the rainfall comes in vast quantities so that it passes off by evaporation or otherwise before it is used by the crop growing in the soil, and then the seasons of dry weather coming on that the crop fails, when, as a matter of fact, during the season there has been sufficient rainfall to produce the best of crops. Experiments have shown, carried on mainly by private parties in some of the western portions of the country, that this moisture can be conserved in the soil by what is known as "surface cultivation," and that a large rainfall will be conserved in the soil, and by surface cultivation and other methods of cultivation it will be prevented from evaporating, so that it will pass through to the roots of the crop growing on the land and by that means produce a crop.

Now, I want to say that a few years ago I went out in the western part of my State, when we had a long dry spell, and looked at two crops of corn, with nothing in the world between them but a wire fence. One had been experimented with in this way and was perfectly green, without a dead stalk, and while the ground on the top appeared to be dry, by scratching under the surface an inch or 2 inches the soil was so moist that you could mix it into a ball. Just over the fence the other corn crop was cultivated in the usual way, and it was perfectly dead, and would have burned if you had touched a match to it. Now, there is a vast scope of territory of this kind, and it is for the purpose of developing the best methods and experimenting with those methods of cultivation that will be the means of making all this territory produce crops that this appropriation is desired. Now, I will yield to my friend from South Carolina.

Mr. JOHNSON. I wanted to ask if this experiment is not already being carried on at the experimental stations in this country?

Mr. NORRIS. No; they are not carried on at all of them, although they are in some. This amendment is for the purpose of providing funds for carrying them on upon a larger scale. In my judgment it will be the means of making productive a very large scope of country that heretofore has been considered useless for agricultural purposes, and that has been used only as grazing land. It will eventually redeem millions of acres of land heretofore of little value, and provide pleasant homes and profitable farms for thousands of our people. In my judgment there is no item in this bill that will be productive of more beneficial results.

Mr. MARSHALL. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from Nebraska, to strike out the last word. I verily believe, Mr. Chairman, that the Agricultural Committee would have included this item in their bill had it not been for some confusion in regard to the matter. It will be understood that Doctor True, the head of the experiment station work, carries on certain work along the lines of irrigation with which we are all familiar. Doctor Galloway, who is at the head of the Bureau of Plant Industry, carried on certain other experiments of an entirely different character. Now, in order to explain that, I am going to read from pages 790 and 791 of the hearings before the committee. Doctor True says:

I am informed that owing to the broad phraseology of the bills covering this subject which have recently been before your committee there has been some fear of duplication of work or of conflict between the Office of Experiment Stations and the Bureau of Plant Industry on this matter. I am glad to say that, as regards our respective lines of work, Doctor Galloway and myself have a good understanding and are prepared to avoid duplication or conflict.

It is not the intention of the Office of Experiment Stations to engage at all in what is ordinarily called "dry farming." That belongs to the Bureau of Plant Industry, whose work includes all matters relating to varieties of crops and methods of cultivation. The Office of Experiment Stations, through its division of rural engineering, will deal exclusively with experimental work in irrigation, drainage, pumping, and farm machinery. Of course on tracts where we are testing methods of irrigation we shall grow crops, but they will be ordinary crops of the region, or those which we are advised to grow by the Bureau of Plant Industry. We shall not make crop experiments. The respective lines of work of these two bureaus are clearly differentiated.

The difficulty has arisen from the broad phraseology of the bills before your committee, which undoubtedly covers the field of both bureaus.

What it needs is money. When you have decided what more you will appropriate for the object of these bills, give Doctor Galloway his share for the dry-farming experiments and give me my share for Mr. Mead's work in irrigation in the semiarid region.

Now, it is to clear up this subject that I have read this testimony. I believe that if this testimony had been fully brought

to the attention of each member of the committee there would have been no question but that this item which I am asking for would have been included in the bill.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. SCOTT. Mr. Chairman, I desire to call the attention of the committee to the facts as disclosed by the hearings before the Committee on Agriculture that the work which it is proposed by the amendment offered by the gentleman from North Dakota to do is already being done and is fully provided for in the present appropriation. On page 158 of the hearings I asked Mr. Woods, who was then before the committee, this question:

Mr. SCOTT. At these substations you are studying what they call "dry farming?"

Mr. WOODS. That leads into a very important branch of dry farming, and for a number of years we have been looking out and trying to get good crops which are adapted for agricultural use in this area, which for a number of years at a time may have a very low rainfall, only 10 or 12 inches. The cultivation methods there are mainly for the purpose of conserving the moisture.

Mr. SCOTT. And are you conducting experiments all the way down from the Dakotas to Texas which involve the art of dry farming?

Mr. WOODS. Yes, sir.

Mr. SCOTT. I asked that question particularly because there is a bill before this committee to make a special appropriation for carrying on experiments in dry farming, and it occurs to me that if the Department is already doing that work in such a way as to develop whatever the facts may warrant it would not be necessary to make a special appropriation for it.

The CHAIRMAN. That question of cultivation comes under this item. What are the experiment stations in all of these States doing?

Mr. WOODS. They are cooperating with us very heartily.

The CHAIRMAN. And are you working in cooperation with them?

Mr. WOODS. Yes, sir.

The CHAIRMAN. Where are you making actual experiments—experiments in the actual growing of the wheats?

Mr. WOODS. Those experiments are being conducted at Dickinson and Edgely, N. Dak.; Highmore, S. Dak.; North Platte, Nebr.; Hays and Garden City, Kans.; Channing and Amarillo, Tex., as well as several other points between the ninety-eighth and one hundred and fourth meridians.

The CHAIRMAN. That is under the control of the experiment stations, and the Department is acting in an advisory capacity every year and furnishing the money to help the experiments along?

Mr. WOODS. Yes, sir. We put an expert there to carry out our part of the work. The stations assist by furnishing the land and furnishing the ordinary labor and the buildings, and so forth, and we look after the scientific part of it.

This makes it clear, I am sure, that under the present appropriation the work asked for by the gentleman from North Dakota [Mr. MARSHALL] is already being thoroughly and carefully done.

Mr. MARSHALL. Mr. Chairman, I am very glad indeed that the gentleman from Kansas read that testimony. The work is being carried on out of the funds for cereal investigations, which was covered by a bill that I introduced at the last session and which was incorporated in the appropriation bill by the Senate; a total of about \$5,000 has been used out of the \$25,000 and has been spread out among nine stations in the United States—a mere bagatelle, simply starting the work which the amount I now propose to add to this bill will extend. It is true that it is carried on in cooperation with State experiment stations, and that is exactly what I want, only I want to carry on the work more systematically and on a somewhat broader and more permanent plan.

Mr. SCOTT. Mr. Chairman, I only desire to call the attention of the committee to the fact that the work is already being done on a large scale all through the semiarid regions, and it can not be done all at once. The only thing that can be done is to conduct the experiments at the different places throughout the arid regions in order to demonstrate the feasibility of the project, and that is being done now.

Mr. MONDELL. Mr. Chairman, I trust that the amendment offered by the gentleman from North Dakota [Mr. MARSHALL] to the amendment offered by the chairman of the committee may be adopted. I believe that the work contemplated under that amendment is second only in importance to the great work of irrigation in the same region in which the Government is now expending millions of dollars. There lies between the Canadian line and Mexico, about the one-hundredth meridian, millions of acres of land having a rainfall of from 14 to 20 inches, not sufficient for the growth of crops under the ordinary methods of cultivation, not sufficient for the assured growth of the varieties of crops which have heretofore been generally grown in the same latitude farther east in that region, taking one year with another.

Mr. MURDOCK. Mr. Chairman, I will say to the gentleman that there are 300,000,000 acres on the high plains in the territory he speaks of.

Mr. MONDELL. In addition to this great region which the gentleman from Kansas [Mr. MURDOCK] says contains 300,000,000 acres there are scattered all through the States and Territories known and recognized as being generally arid consider-



able isolated areas having sufficient rainfall and soil of such character that agriculture can be carried on by improved methods and careful selection of crops advantageously and profitably. This vast region consists very largely of Government lands, lands to which we are now inviting the home seeker, lands that will make homes for the people of the East and the Central States now moving westward. Much has been accomplished in demonstrating what can be done in so-called "dry farming."

Already considerable areas have been conquered from the desert and successfully farmed, and it is proposed now to further extend the aid the Government has heretofore been giving to this great work of extending the nation's farm area by increasing this appropriation. It is true that the committee, after the hearings on this subject, did add \$20,000 or \$25,000 to the appropriation made for the division of irrigation and drainage investigations of the Bureau of Experiment Stations. That appropriation will assist in the development of dry farming as an auxiliary to the development of small irrigated farms. That was the purpose of that appropriation.

The Bureau of Experiment Stations is already doing and has done an exceedingly valuable work in this field, and in order that the splendid work carried on by the division of irrigation of the Office of Experiment Stations, and which should be under the charge of that Office, may be supplemented by the Bureau of Plant Industry it is proposed to add to the appropriation of that Bureau the sum of \$25,000; and the gentleman from North Dakota [Mr. MARSHALL] has well said that this is a mere bagatelle when we take into consideration the valuable character of the work to be done, the vast extent of territory over which it can and ought to be carried on, and the thousands of homes that it will make possible on lands now popularly supposed to be available only for grazing purposes. Great as will be the development by irrigation ultimately in the United States, in my opinion, based on considerable experience in the western country, we will ultimately conquer from the desert, at least advance from grazing lands of small value to farming lands supporting comfortably large populations, many more acres by dry farming than we can reclaim by irrigation, owing to the limited water supply available for that purpose. [Applause.]

Mr. LAMB. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be now closed.

Mr. WADSWORTH. Mr. Chairman, I would ask the gentleman from Virginia to withhold that motion for one minute until the gentleman from Colorado [Mr. Brooks], on the committee, has an opportunity to make an explanation.

Mr. LAMB. Very well; I will yield to the gentleman for one minute.

Mr. BROOKS of Colorado. Mr. Chairman, it is true that the bill as reported carries \$25,000 for the item of dry farming. That is on page 51 of the bill, under the drainage investigation, and the language of the text is as follows: "With especial suggestions of the best method for the utilization of irrigation waters in agriculture." Now, the language is perhaps not very specific, but in the opinion of the Department it covered that particular feature.

Mr. MARSHALL. Do you pretend for one moment that that item covers the proposition I have offered here as an amendment?

Mr. BROOKS of Colorado. I think I can answer that frankly, and I will. Mr. Chairman, there were, I think, eight or ten—

Mr. NORRIS. Before the gentleman does that, will he point out the location of this language? I would like to read the language myself.

Mr. BROOKS of Colorado. On page 51, lines 2 and 3.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. BROOKS of Colorado. Yes; certainly.

Mr. MONDELL. I did not understand the gentleman is opposed to a further appropriation for the work of dry farming experiments.

Mr. BROOKS of Colorado. I am on the Agricultural Committee, and the committee, at my suggestion, made the appropriation which I have alluded to, and I am bound to stand by my committee; but I want to answer frankly the question of the gentleman from North Dakota. There were six or seven bills introduced covering features of dry farming. Now, three or four of those bills had reference to the irrigation side of the subject and three or four of them had reference to the cultural-method side of it. The gentleman from North Dakota introduced a bill covering the cultural methods—that is to say, the cropping treatment of the soil and the systems of dry farming, which are being considered at this time; and the other class of bills had reference to the storage of inade-

quate surface water supply, the making available of subterranean water, and that class of work.

Mr. STEPHENS of Texas. I desire to ask the gentleman whether there was an appropriation made for the bill I introduced, providing \$10,000 for experimental purposes in Texas? Was there any provision made relative to that bill? I understood it was to be taken care of and put in in an omnibus appropriation.

Mr. BROOKS of Colorado. There was; and the gentleman from Texas introduced one of the bills of the class which I have just described—that is to say, having particular reference to the cultivation of land where the water supply was inadequate to raise ordinary crops.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Virginia moves that debate upon the pending paragraph and amendments thereto be closed.

Mr. WADSWORTH. I hope the gentleman from Virginia will allow Mr. Brooks, a member of the committee, to finish.

Mr. LAMB. For how long a time?

Mr. BROOKS of Colorado. Three minutes; and, Mr. Chairman, before I go on—

The CHAIRMAN. Does the gentleman from Virginia withdraw his motion?

Mr. LAMB. I do.

The CHAIRMAN. The gentleman from Colorado is recognized for three minutes.

Mr. BROOKS of Colorado. I would ask unanimous consent to extend my previous remarks in the Record.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. MARSHALL. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Colorado yield? Mr. BROOKS of Colorado. I yield for a question, but I have but a few moments now.

Mr. MARSHALL. In order to clear up this matter will the gentleman kindly explain how he expects an appropriation under the head of "Office of Experiment Stations" to be added to the Bureau of Plant Industry? Now, if you will clear up that question it will settle the whole thing.

Mr. BROOKS of Colorado. The gentleman asks a difficult question, but I think I can answer it. The whole work is one, but it has two phases. One is Doctor Galloway's work and the other is Mr. Mead's work. Now, as the gentleman from Kansas said, Doctor Galloway's work is to some extent covered by the general appropriations for his Bureau, but it is not covered by this specific appropriation for Mead's work. There is no question about that, and I do not want to mislead the committee. What I am trying to say is this, that the bill carried an increase of \$25,000 for one phase of dry farming. That is all I can say. This increase, on page 51, does not cover the matter of improved cultural methods on which Doctor Galloway is working.

Mr. STEPHENS of Texas. Does this cover Professor Mead's system of dry farming?

Mr. BROOKS of Colorado. It does, and I will say further that in drafting the amendment to page 51, which incorporated the terms of the bill which I introduced on this subject, I consulted Mr. Mead, and he thought it was adequate for everything wanted for his work.

Mr. POLLARD. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Nebraska?

Mr. LAMB. Mr. Chairman, I renew my motion.

Mr. BROOKS of Colorado. To sum up, then, there were two phases of this work before this committee, but they both had reference to dry farming, and we added \$25,000 to the bill for Mr. Mead's work.

Mr. LAMB. Mr. Chairman, I renew my motion.

The CHAIRMAN. The gentleman from Virginia moves that the debate be now closed.

Mr. POLLARD. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Nebraska rise?

Mr. POLLARD. To ask unanimous consent to withdraw my amendment. There is a great deal of confusion—

The CHAIRMAN. The gentleman from Nebraska [Mr. POLLARD] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to withdraw my amendment to the amendment offered by the gentleman from Nebraska.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] asks unanimous consent to withdraw his amendment to the amendment offered by the gentleman from Nebraska. Is there objection?

There was no objection.

Mr. MARSHALL. Mr. Chairman, I desire to offer an amendment to the paragraph.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 18, page 21, strike out the words "three hundred and eighty-nine" and insert the words "four hundred and fourteen."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WADSWORTH. Mr. Chairman, that is an amendment which the gentleman offers to the amendment of the gentleman from Nebraska and my amendment to the amendment. The subject has been thoroughly debated. I hope it will not prevail. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. MARSHALL. Division, Mr. Chairman.

Mr. BONYNGE. Before the question is put, Mr. Chairman, I desire to ask a parliamentary question. What is the motion that is now being submitted to the committee?

The CHAIRMAN. Unless there is objection, the Clerk will again report the amendment.

The Clerk reread the amendment.

Mr. BONYNGE. Mr. Chairman, if I understand, that is an increase of \$25,000 for dry farming?

Then, on motion of Mr. MARSHALL, the committee divided; and the Chair announced—yeas 44, yeas 71.

So the amendment was rejected.

Mr. PALMER. Mr. Chairman, I offer the following as a new paragraph, and I wish to have it considered as pending.

Mr. LAMB. Mr. Chairman—

The CHAIRMAN. The Chair holds that it can not be received at this time.

Mr. PALMER. I do not ask to have it considered before the paragraph offered by the gentleman from Virginia.

Mr. LAMB. Mr. Chairman, I thought I had the floor.

Mr. WADSWORTH. A point of order, Mr. Chairman.

Mr. POWERS. Mr. Chairman, I have an amendment to offer to that paragraph.

Mr. MURPHY. I have an amendment to offer to that paragraph, Mr. Chairman.

The CHAIRMAN. The pending paragraph?

Mr. MURPHY. Yes.

Mr. LIVINGSTON. Mr. Chairman, I insist that while a point of order is pending that the gentleman can not offer an amendment.

Mr. PALMER. Yes, he can.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Missouri [Mr. MURPHY].

The Clerk read as follows:

After the word "dollars," on line 9, page 21, insert: "Provided, That the Secretary of Agriculture is authorized and directed to expend \$5,000 of the amount hereby appropriated to especially investigate parasites and orchard diseases prevalent in the Ozark Mountain region of the State of Missouri, and to work out, if possible, in cooperation with the fruit experiment station at Mountain Grove, the problem of prevention of such diseases and destruction of parasites and diffuse information along these lines."

Mr. HAY. A parliamentary inquiry, Mr. Chairman.

Mr. LIVINGSTON. Mr. Chairman, I make the point of order.

Mr. HAY. I understand that is an amendment to the paragraph just read.

The CHAIRMAN. The preceding paragraph, which has been perfected.

Mr. POWERS. I want to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. POWERS. In case the new paragraph offered by the gentleman from Virginia—

The CHAIRMAN. The Chair will state that we have not reached that paragraph yet.

Mr. POWERS. Will this section after that be opened to amendment?

The CHAIRMAN. We have not reached that paragraph yet. The Chair will answer that when we come to it. The ques-

tion is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. MURPHY. Mr. Chairman, I ask unanimous consent for five minutes.

Mr. CANDLER. Mr. Chairman, debate by motion has been closed.

The CHAIRMAN. All debate has been closed.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. MURPHY] may have five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri [Mr. MURPHY] may have five minutes.

Mr. LIVINGSTON. Mr. Chairman, I object.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Missouri [Mr. MURPHY].

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. MURPHY. Division, Mr. Chairman.

The committee divided; and the Chair announced that there were—yeas 65, yeas 46.

Mr. WADSWORTH. Tellers! Mr. Chairman, I do not think the House understands—

Mr. HAY. Mr. Chairman, I call the gentleman from New York to order.

Mr. WADSWORTH. I ask for tellers. [Cries of "Regular order!"]

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. WADSWORTH] and the gentleman from Missouri [Mr. MURPHY] will take their places as tellers.

The House divided; and the tellers proceeded to count.

Mr. WADSWORTH (during the count). I withdraw the demand for the vote by tellers.

The CHAIRMAN. On this question the yeas are 65, the yeas are 47.

So the amendment was agreed to.

The CHAIRMAN. Are there any more amendments to the pending paragraph? If not, the question will come on the motion of the gentleman from Virginia.

Mr. WADSWORTH. On that I make the point of order that it is new legislation and that it is not warranted by law.

The CHAIRMAN. The gentleman from Virginia has offered an amendment, which has been read, to which the gentleman from New York reserves the point of order.

Mr. LAMB. Mr. Chairman, this amendment has become necessary by reason of the fact that the Committee on Agriculture one morning in a merry mood, on a motion tentatively made, suggested that we strike out of the appropriation bill the item carrying a certain amount for seed. Not one word was heard before the committee from anyone advocating or opposing this seed distribution.

Mr. WADSWORTH. I make the point of order that the gentleman is not speaking to the point of order, and that the gentleman from Virginia [Mr. HAY] demanded the regular order.

Mr. LAMB. I will discuss the point of order. Do not fear about that, my friend.

On the morning referred to a gentleman on our committee, who comes from Long Island [Mr. Cocks], moved to strike that appropriation out in equally a jocular mood, and the able, amiable, and venerable chairman of this committee seconded it, and on that vote it stood 8 to 7—a historical number in this glorious country of ours. [Laughter and applause.] The next morning a member of the committee moved to take that resolution from the table, where it had been placed, and reconsider it.

Mr. WADSWORTH. I am compelled to call the gentleman to order. He is not debating the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LAMB. I am coming to the point of order. Be patient please.

The CHAIRMAN. The gentleman will be in order. The Chair will be glad to hear the gentleman on the point of order.

Mr. LAMB. I hope the Chairman will not press that, because I am going to discuss the point of order immediately. Nothing was said here in all the skirmish yesterday on this point at all. No member of the committee has disclosed—

Mr. WADSWORTH. I insist on my point of order.

The CHAIRMAN. The gentleman from New York insists upon the point of order. The gentleman from Virginia will discuss the point of order.

Mr. LAMB. Well, I will not offend any more, as the gentleman said the other day, under like conditions.

This amendment, Mr. Chairman, is not contrary to existing



law. Here is the law. It is not new; it is existing to-day and has existed for fully forty years. On May 15, 1862, this law was enacted:

*Be it enacted, etc.,* That there is hereby established at the seat of government of the United States a Department of Agriculture, the general designs and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Within a few months of that time, in the same Congress, in fact, the following appropriation was made:

For collection of agricultural statistics, investigations for promoting agricultural and rural economy, and the procurement, propagation, and distribution of cuttings and seeds, \$60,000: *Provided, however,* That in the expenditure of this appropriation, and especially in the selection of cuttings and seeds for distribution, due regard shall be had to the purposes of general cultivation, and the encouragement of the agricultural and rural interests of all parts of the United States.

Now, is that sufficient? Does not that satisfy any reasonable man here of the correctness of the position I take, that this amendment is germane and that it can not be subject to a point of order? The chairman of this committee, in his report, makes use of this language:

The item covering the Congressional free distribution of vegetable and flower seed has been entirely omitted from the bill. There is not and never has been any warrant of law for such expenditure.

And yet for ten years, since I have been here, we have been making this appropriation *against law and precedent*, according to this report, for this very purpose.

Mr. Chairman, it does seem a huge pity that a subject like this, so momentous to the people of this country and particularly to the 7,000,000 who till the soil, should be decided and perhaps terminated by an appeal to a point of order. [Applause.] But we are not without precedents in this case. Every gentleman who was in the last Congress remembers when a point of order was made by my friend from Texas [Mr. SHEPPARD], and the gentleman from Maine [Mr. POWERS] was in the chair, that this very question was discussed. I will not stop here to read the ruling of the gentleman from Maine [Mr. POWERS] on that occasion, because so many of these gentlemen who are interested in this subject have read it and know just as much about it as I do. The ruling is familiar. Mr. Chairman, you can not rule against us in this matter unless you overrule the decision of the gentleman from Maine [Mr. POWERS] in an exactly analogous case, one standing on all fours with this. I desire to call your attention to the fact that the very exceptions that were made in that case have been obviated in this amendment that I have offered, and there is no reason on earth why any man who may happen to be in the chair should sustain this point of order. There are others here who have studied this question and are prepared to speak.

I have submitted briefly, as pointedly as I know how, and with all the lamb-like modesty that I possess, the arguments in favor of this amendment and against this point of order. [Applause.]

The CHAIRMAN. The Chair will be glad to hear from the gentleman from New York on the point of order.

Mr. WADSWORTH. I do not care to say anything on the point of order. There is nothing in the organic law providing for this seed distribution, and I based my point of order on this fact. I think even the Department itself has always held that there was no authority for this seed distribution except that granted by the appropriation bill.

Mr. POWERS. Mr. Chairman, as the gentleman from Virginia [Mr. LAMB] has referred to a ruling of mine, made four years ago, when a similar section was in the agricultural appropriation bill, I desire to make a few remarks upon my ruling and on the point of order by the gentleman from New York [Mr. WADSWORTH].

Now, first of all, in order that we may fully understand whether this amendment is or is not subject to a point of order, it might be well to read the statute authorizing the purchase and distribution of seeds, and if you will pardon me I will read it.

It reads as follows:

The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, to such as can be made more profitable by frequent changes from one part of the country to another—

Which applies to all the seeds, in my judgment, as a change from one section of the country to another of similar seeds is often attended with beneficial results—

and the purchase, propagation, and distribution of trees, plants, shrubs, vines, and cuttings, shall be confined to such as are adapted to general cultivation, and to promote the general interests of horticulture and agriculture throughout the United States.

Now, that that statute authorizes the purchase of seeds no one can deny. That it authorizes the distribution of seeds no one

can deny. A reference to the CONGRESSIONAL RECORD will show that I ruled out of order a paragraph which contained a proposition directing another branch of the Government, or another Department or bureau—in short, the Public Printer—to furnish franks and to do certain things in reference to the distribution of seeds when there was and is no statute imposing this duty, because I believe that that was not justifiable and was clearly within the prohibition of the rule forbidding new legislation upon an appropriation bill. But the question arises here and now, there being a statute of the United States which authorizes the purchase and distribution of these seeds, may we not specify in this appropriation bill, and may we not in an amendment to it direct what that Department shall do, the method it shall adopt, what course it shall take, and how it shall make that distribution? If we may do that, and I submit it seems to me we can, then the amendment offered by the gentleman from Virginia simply carries out and gives effect to the provisions of the statute, and, I think, is not subject to a point of order.

If, however, after the statutes of our country authorize the Secretary of Agriculture to purchase and distribute seeds, cuttings, and so forth, we can not specify the manner and the agencies and methods which shall be used by him in any distribution which he shall make, then perhaps the proposed new section is subject to a point of order. Now, I believe that while the law or the rule which makes legislation on an appropriation bill subject to a point of order is generally wise, especially when applied to subjects not germane to the bill under consideration, yet when the amendment offered is germane to the subject-matter as this is, if there are any doubts as to whether it is subject to a point of order or not, they should be resolved in favor of permitting the submission of that amendment, or, as in this case, new section, to a vote of this House in Committee of the Whole. [Applause.]

I do not think that a careful examination of my ruling at that time will make it necessary for the present Chairman to rule in conflict with my decision in deciding to sustain the point of order, as I ruled out the section for the reason before specified and gave no opinion as to the portions now before the House, upon which the point is now raised; yet I wish to call the attention of this committee to the fact that there is nothing, in my judgment, in the amendment offered by the gentleman from Virginia that is not necessary and required for a proper distribution of these seeds, which distribution he is authorized by the statute to make, and I believe can legally make through the agencies and in the manner set forth in the section offered by the gentleman from Virginia, and I wish to impress upon the Members of this House again the fact that the amendment is germane to this appropriation bill and, in my judgment, does not change existing law or enact new law or impose any limitation or restriction upon the Secretary of Agriculture exercising all his prerogatives.

I wish also to refer to the other fact—let it have what weight it may—that the ruling I made four years ago was made at the request and instance of the gentleman who makes the point of order against this amendment. [Laughter.] That ruling was acquiesced in not only by him, but by the committee. He took advantage of it when it was in his favor, and the Committee on Agriculture have placed it in all their appropriation bills since that time except the present one.

Mr. SCOTT. Will the gentleman allow me a question?

Mr. POWERS. Yes.

Mr. SCOTT. The gentleman from Maine has said that the ruling was made at the suggestion of the chairman of the committee. I would like to inquire if it was made because the chairman of the committee requested it, or because it was the opinion of the gentleman from Maine, who was in the chair?

Mr. POWERS. I will say that the subject was one not free from doubt, and I so stated at the time; but I acted upon the principle, which I have tried to impress upon the committee, that where a matter is germane to the appropriation bill under consideration I resolve that doubt in favor of permitting the committee to consider it upon its merits and to vote upon it rather than take it from them by an arbitrary ruling of doubtful validity.

Now, the paragraph in the bill which was ruled upon then and which was sustained by the action of the committee, I am informed, is similar to that which has been in many bills before, and is identical with that which has been in three or four appropriation bills which have preceded this one. That paragraph, after it had been amended by the chairman of the Agricultural Committee, and the amendment of the gentleman from Virginia are identical. Now, understand me, I held the whole section bad in the first instance on the ground that it prescribed certain things to be done by the Printing Bureau, which was clearly

new legislation, and as that portion was subject to a point of order, the whole section had to be ruled out, and after that had been stricken out the chairman of the committee offered the same paragraph with that part eliminated and no contest was made as to its validity.

Mr. LAMB. That very language to which the gentleman refers is erased from this amendment.

Mr. POWERS. I know that. I said that it was identical with the paragraph after the objectionable matter was stricken out. After that the committee not only adopted the section with that stricken out, but, by unanimous consent, to the end that Members might have the privilege of using their franks, they put back the objectionable part into the section.

I have no feeling or pride of opinion about this matter. I do not know as I ruled right. I acted under the best light I had at the time, and I acted in a way that would let the committee have a chance to pass upon the paragraph. I believe that the extreme restriction which takes away from consideration of this House matter on the ground that it is new legislation—matters that are really germane to the bill under consideration—I believe that power should be used with caution, and that proposed amendments should be construed with great liberality. Having made this statement and having no wish, purpose, or desire to ask that anyone be influenced by what I may have ruled, only to consider that this same legislation has been in the bill ever since, and that it was the view of the House at that time, I leave the matter with the chairman of the committee, having every confidence that a right conclusion will be reached.

Mr. JAMES. I would like to ask the gentleman if any appeal was ever taken from his decision?

Mr. POWERS. No appeal was ever taken, and up to the present time the Agricultural Committee and the Committee of the Whole House, by their acts at least, have ratified and confirmed it.

Mr. OLMSTED. Mr. Chairman, independent of the question of the wisdom or unwisdom, the propriety or impropriety, of the subject-matter of this paragraph, the question of order is one of considerable importance. I desire to call the attention of the Chair to a provision found in volume 18 of the Statutes at Large, page 343, to which attention perhaps has not been called:

That seed transmitted by the Commissioner of Agriculture or for any Member of Congress or Delegate receiving seeds for distribution from the seed department, together with agricultural books emanating from the Department and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge. The provisions of this section shall apply to ex-Members of Congress and ex-Delegates for the period of five months after the expiration of their terms as Members and Delegates.

That is found in the act of March 3, 1875, and is permanent legislation. Now, if I understand it, the paragraph which the gentleman from Virginia has offered is taken verbatim from a provision in the agricultural appropriation bill as passed at the last session in 1905. It seems to me that the point of order raised is a very delicate question which may not be entirely free from doubt. It seems to me, Mr. Chairman, that that provision which begins "an equal proportion of two-thirds of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents," as found in the appropriation bill of 1905, may be fairly construed to be in the nature of permanent law.

But, Mr. Chairman, I am not quite certain that the preceding part of the provision, which, as I understand, is at the commencement of the paragraph offered by the gentleman from Virginia [Mr. LAMB], containing this language: "And the Secretary of Agriculture is hereby directed to expend said sum of money" in such and such directions. It is possible that that, being a limitation upon the discretion of the Secretary not found in existing law, may make the whole paragraph subject to the point of order. If, however, you construe it as a mere limitation upon this appropriation, of course the point is not good.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman allow a question?

Mr. OLMSTED. Certainly.

Mr. CRUMPACKER. Does the statute anywhere vest this discretion in the Secretary? There is no law vesting the discretion that is contained in the provision the gentleman has just quoted from in the Secretary of Agriculture, is there?

Mr. OLMSTED. Then clearly this is a change of existing law.

Mr. CRUMPACKER. It is a direction of an appropriation that Congress made—a direction within a purpose allowed by law, and therefore clearly a limitation.

Mr. OLMSTED. But, in my opinion, the act creating the Department authorizes the Secretary of Agriculture to purchase seeds in his own discretion as to the manner thereof. This particular language seems to be a limitation upon that discretion. It is perhaps an immaterial part of the amendment. It is a matter that, if the Chair shall rule the paragraph out of order, can be very readily corrected by offering a paragraph omitting the objectionable portion, and that would be clearly not subject to the point of order. That being the case, there is really not very much to be gained, I would suggest to the gentleman from New York [Mr. WADSWORTH], by taking up the time of the committee in the discussion of this point of order. It seems to me that it is a fairly debatable question, very close. I personally feel that except for the limitation upon the discretion of the Secretary the paragraph might safely be held in order.

The CHAIRMAN. Will the gentleman from Pennsylvania refer again to the language of that limitation which he has in mind?

Mr. OLMSTED. I am reading from the appropriation act of 1905, which I understand to be identical with the language of the amendment offered by the gentleman from Virginia. It says that the Secretary of Agriculture is hereby directed to expend said sum in such and such manner. It seems to me that if there was a simple appropriation of this amount of money in the language of the act of Congress that is permanent law, the Secretary of Agriculture could readily treat the balance of the act of 1905 as permanent law for the purpose of distribution.

Mr. CRUMPACKER. The second volume of the Supplement to the Federal Statutes, that contains all that the compiler regarded as permanent law that is carried in appropriation bills, carries this same provision as permanent legislation. That is, I think, on page 1513 of the second volume of supplements and on another page.

Mr. DALZELL. Which provision is that?

Mr. CRUMPACKER. All this provision that might be freely termed "legislation." There is one other thing, with the permission of the gentleman from Pennsylvania, that I desire to say in connection with that provision which he has been discussing, that the Secretary of Agriculture is hereby directed to expend said sum "as nearly as practicable." Now, who determines whether it be practicable? It still vests that discretion in the Secretary of Agriculture. I think it is a legitimate and proper limitation upon the expenditure of money.

Mr. OLMSTED. Why, Mr. Chairman, there is no controversy between the gentleman from Indiana [Mr. CRUMPACKER] and myself as to the paragraph he finds on page 1513 of the supplement. That is exactly what I stated may in my judgment be construed to be permanent law. The only question that troubles me is the direction to the Secretary to expend the money in a certain direction, in possible limitation of the discretion now conferred upon him by law.

The CHAIRMAN. The Chair would like to ask the gentleman what he says about this provision: That the person receiving such seed may be requested to inform the Department of the results of experiments therewith, and so on?

Mr. OLMSTED. That, I think, is part of permanent law today. I think it is unnecessary in the paragraph, but I do not think its presence makes the paragraph subject to a point of order.

The CHAIRMAN. The Chair would like to call the attention of the gentleman to the language "and the person receiving such seeds," apparently the seeds referred to in the very appropriation bill—the very seeds provided for in the appropriation bill.

Mr. LAMB. Mr. Chairman, I shall ask the privilege of amending that by using the word "authorized" instead of the word "directed," and it seems to me that that would correct the trouble weighing on the gentleman's mind.

The CHAIRMAN. The gentleman from Virginia is not in order at the present time. Debate is proceeding on a point of order.

Mr. OLMSTED. Mr. Chairman, that seems to me to refer to the seeds allotted in that provision which I construe to be permanent law to-day. The principal difficulty that I have with this is in the direction which seems to control the discretion of the Secretary of Agriculture, which he might have under existing law, and it is such a close and narrow question and so easily corrected by another amendment that the gentleman from New York [Mr. WADSWORTH] might or might not feel like insisting on his point of order.

Mr. LAMB. I ask for a ruling, Mr. Chairman.

The CHAIRMAN. The Chair desires to alternate between those supporting the point of order and those opposing it, and if the gentleman from Pennsylvania desires to support the point of order the Chair will recognize him.



Mr. DALZELL. Mr. Chairman, just a word. If I were called upon to decide this question upon the language of the statutes as they are printed under the head of the "Department of Agriculture," to wit, section 520 and sections 526 and 527, I should say without doubt the point of order ought to be sustained for the reason that so far as section 520 is concerned it was evidently in contemplation of the legislature that the Secretary of Agriculture should have the distribution himself, as the head of the Department, of a particular and limited kind of seed, not the general distribution contemplated by this amendment, and it seems to me that that idea is further emphasized by the language of section 526, and especially by the language of section 527.

Purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our country to another.

Now, as I say, if the point of order was to be decided simply upon those statutes which relate to the Department of Agriculture it seems to me clear the point of order ought to be sustained. That is to say, those statutes seem to contemplate the distribution by the Department direct, not through the intervention of any other party, and a distribution of a particular kind of seed, not the kind of seed that is contemplated by the amendment offered. If, however, what the gentleman from Indiana says is true, and if the language of the appropriation bill of 1905 is upon the statute books as a permanent statute, so recognized by those entitled to say what shall go upon the statute book as permanent, then it seems to me it would be a very doubtful question. Now, it is for the Chair to say what effect shall be given to the alleged statute quoted by the gentleman from Indiana. If that be the law, then the amendment, in my judgment, is not a change of law. If that be not the law, and the point of order is to be decided simply upon the language creating the Department of Agriculture and defining its duties, then, in my judgment, the point of order ought to be sustained. In any event it seems to me a very doubtful question.

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Alabama?

Mr. DALZELL. Certainly.

Mr. UNDERWOOD. I understand that the point of order the gentleman from Pennsylvania insists should be sustained is that it is provided in the original enabling act of the Department of Agriculture that these seeds should be distributed by the Secretary of Agriculture and the provision of the existing amendment provides that they shall be distributed by Members of Congress.

Now, I want to ask the gentleman from Pennsylvania if this is not the fact, that the enabling act of the Department of Agriculture first provides for the purchase and distribution of seeds, and that that is an entity to itself independent of the question of distribution by the Secretary of Agriculture; and if that is so, has not Congress power to provide for the purchase and distribution of seed and then limit that appropriation, as it can limit all other appropriations that Congress makes? If we purchase a battle ship, we can limit it by saying that the ship shall be built in a certain navy-yard, or that the ship be made of wood or iron. In the same way, does not the enabling act of the Department of Agriculture provide temporarily for the purchase and distribution of seed and rare plants, and then if Congress in its wisdom desires to limit that by providing that it shall be distributed by Members of Congress, by the governors of the States, or any other way, can not we direct on a particular appropriation bill how that particular money shall be expended? I do not think there is any doubt about that decision.

Mr. DALZELL. Why, there is no doubt at all about the power of Congress in the premises. That is not the question involved here. The question is as to whether Congress can legislate in a particular way—to wit, upon an appropriation bill, and the question here is whether or not this is not new legislation.

Mr. UNDERWOOD. But is it not a limitation when we provide for the expenditure of money to purchase and distribute seed then to provide how the seed purchased under this particular act—not in the future, but these seeds that are to be purchased by this appropriation—are to be distributed. It is a limitation and not new legislation, and I say that the decisions of the House repeatedly have held that.

Mr. DALZELL. Well, I should not agree with the gentleman that it is a limitation. I think that the doctrine of limitation has been stretched beyond all reason already, and that would be going a step further.

Mr. OLMSTED. I desire to ask my colleague what bearing

he thinks the act of March 3, 1875, would have? I read it, perhaps, in his absence.

Mr. DALZELL. I was not here, and I did not hear it.

Mr. OLMSTED. That is a provision of permanent law that states that—

Seeds transmitted by the Commissioner of Agriculture or by any Member of Congress or Delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster-General may prescribe, pass through the mails free of charge.

The provisions of this section shall apply to ex-Members of Congress and ex-Delegates for a period of nine months after the expiration of their term as Members and Delegates.

Mr. DALZELL. I would say that that was an enlargement of the authority conferred by the organic act, and it seems to me it is such a close question, Mr. Chairman, that it is unfortunate that the Chair has to be called on to rule upon it, especially in view of the temper of the House.

Mr. WADSWORTH. Mr. Chairman, in view of what has been said I will withdraw the point of order. [Applause.]

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. WADSWORTH. Tellers, Mr. Chairman.

Tellers were ordered; and Mr. WADSWORTH and Mr. LAMB were appointed tellers.

The committee divided; and the tellers reported—ayes 153, noes 58.

So the amendment was agreed to.

[Applause.]

Mr. SHEPPARD. Mr. Chairman, I desire to offer an amendment as a new section.

The CHAIRMAN. The gentleman from Texas offers an amendment by way of a new paragraph, which amendment the Clerk will report.

The Clerk read as follows:

*Provided*, That a Member may, upon his request, be allotted his entire quota in field seeds, such as cotton, corn, wheat, alfalfa, rye, clover, tobacco, and so forth, in plants, grass seed, vine cuttings, and so forth, or in such proportions of field seeds, vegetable seeds, plants, grass seeds, vine cuttings, and the like as he may designate.

Mr. WADSWORTH. Mr. Chairman, I have no objection to that.

Mr. SHEPPARD. Mr. Chairman—

Mr. MANN. Mr. Chairman, it has been impossible to hear the amendment read, and without hearing it I shall have to reserve the point of order.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk reread the amendment.

Mr. MANN. Mr. Chairman, I make the point of order on that provision. It seems to me that it is going a good deal further than we have gone before, and it seems to me a positive provision. They do it whenever you want them to do it now, do they not?

Mr. SHEPPARD. You are confined now to vegetables and flower seeds. This extends the scope so you can supply other kinds of seed—valuable seeds.

The CHAIRMAN. Does the gentleman offer that as an addition to the amendments already made?

Mr. SHEPPARD. Just simply as a new section of that amendment, an amendment to the section just adopted. Technically, however, it is a new paragraph or section of the bill.

Mr. MANN. Mr. Chairman, the amendment that was offered by the gentleman from Virginia [Mr. LAMB] has been adopted by the House. That provision is not subject to an original amendment.

Mr. SHEPPARD. This is not an original amendment.

Mr. MANN. An amendment that is offered now must stand upon its merits, so far as new legislation is concerned.

Mr. SHEPPARD. Certainly. It stands as a separate paragraph. In reality, however, it is connected with the paragraph preceding it, enlarges its scope and enables Members to distribute field seeds whenever field seeds are desired by the people of their respective districts.

Mr. MANN. It extends the scope of the Congressional seed distribution?

Mr. SHEPPARD. Certainly.

Mr. MANN. For that reason I rise to a point of order.

Mr. SHEPPARD. It extends the distribution so as to include valuable seeds.

Mr. MANN. I think the Secretary ought to comply with the original law.

Mr. CRUMPACKER. If the gentleman from Illinois [Mr. MANN] will allow a question, I will state that this amendment vests in the Members of Congress severally the right to designate the kind of seeds that shall be purchased. It is a radical change in the present methods of selecting, because it gives to

each Senator and Representative the right to say what particular kind of seeds shall be sent into his district, and it certainly changes existing law. There never has been a provision authorizing selection in that manner, and there is none in the present bill. There is none in the amendment that has been adopted, and it seems to me it would be the most embarrassing thing that could be done as a matter of policy.

Mr. SHEPPARD. My intention is to provide that the Secretary may, in his discretion, make the desired distribution on the request and designation of a Member.

Mr. CRUMPACKER. Well, then, as a few Members may require a particular kind of seed the selection or designation is a matter of legislation that would have to be made before the Secretary of Agriculture made his purchase at all.

Mr. SHEPPARD. Indeed, that is what I hope shall be done.

Mr. CRUMPACKER. The amendment does not provide it.

Mr. SHEPPARD. It follows by implication. At any rate, the amendment expresses my position, and I shall endeavor to secure its enactment into law in some other way, if it can not be inserted here.

Mr. CRUMPACKER. I certainly think the point of order made by the gentleman from Illinois is well taken.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Texas whether he offers this amendment as an additional amendment to the one that has just been adopted or as a new paragraph?

Mr. SHEPPARD. I offer it as a new section. The recent amendment has already been voted on.

Mr. MANN. A new paragraph.

The CHAIRMAN. If it is a new paragraph, the Chair sustains the point of order. The Clerk will read.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to go back to line 19, page 21, and offer the committee amendment increasing the appropriation \$76,000.

The CHAIRMAN. Is there objection to the request of the gentleman to return to the page indicated? [After a pause.] The Chair hears none. The gentleman from New York offers the amendment which the Clerk will report.

The Clerk read as follows:

Strike out three hundred and eighty-nine and insert four hundred and sixty-five, so as to read "\$465,260."

Mr. POLLARD. I have not the sum total of the figures, but I move to substitute for the amendment offered by the gentleman from New York that the amount be increased \$125,000. That takes care of the matter I was presenting to the House a while ago.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by adding \$50,000, so as to make it read "\$515,260."

Mr. LIVINGSTON. A parliamentary inquiry.

Mr. CANDLER. I will ask the gentleman if the totals have been added to so as to include the amendment offered by the gentleman from Virginia?

The CHAIRMAN. The Chair refers the gentleman to the gentleman from New York.

Mr. CANDLER. Do you change the total?

Mr. WADSWORTH. We have not yet; but they will be changed when we reach them.

Mr. LIVINGSTON. With the understanding, Mr. Chairman, that that will be done, I have no objection.

Mr. WADSWORTH. I hope the amendment offered by the gentleman from Nebraska will not prevail. I do not think the Committee on Agriculture has been parsimonious in making appropriations for the Department. I think in this bill the Bureau of Plant Industry has sufficient money appropriated to carry on the work asked for by the gentleman. To increase the amount provided by \$50,000 is absolutely excessive. I want to say one thing to this committee. These appropriations have gone on for years for these scientific purposes. They will go on probably until we are all dead. The only thing for this committee and this House is to pass upon the question, How much money can these scientific bureaus expend judiciously within the fiscal year? It is not like an appropriation for a public building or any specific object. The committee have simply to decide how much can be judiciously expended within the fiscal year.

Mr. FINLEY. In what way is this money to be expended?

Mr. WADSWORTH. The appropriation for the Bureau of Plant Industry is to be expended in all the work provided for on pages 15, 16, 17, 18, 19, to 22. It covers all the work that can properly be done by that Bureau. The paragraph is drawn by the Agricultural Department, and covers every line of work they could suggest.

Mr. FINLEY. Do I understand the gentleman's remarks to include all the items of appropriation here, or to single out some of them?

Mr. WADSWORTH. The appropriation is to cover all of them.

Mr. FINLEY. Do I understand the gentleman's remarks to refer to all of the items, including the provision read?

Mr. WADSWORTH. It is to be under the Bureau of Plant Industry.

Mr. FINLEY. Does the gentleman think that too much money is appropriated as a whole, or under any one of these items?

Mr. WADSWORTH. The work of the Bureau of Plant Industry is not divided. It is covered by one paragraph of the bill. If the gentleman will read the bill he can understand it a great deal better than I can explain it.

Mr. FINLEY. I have read it. I wanted to get at the purpose of the gentleman's remarks in order to see whether what he said referred to the total or to some of the items.

Mr. WADSWORTH. It does not include the total to the Bureau of Plants. The total of the Bureau of Plant Industry with the free-seed amendment put in will have \$242,000 added to the sum total of it, and this adds \$76,000. I have just offered that as an amendment offered by the committee.

Mr. FINLEY. Of which one of these particular items does the gentleman complain?

Mr. WADSWORTH. I object to the further raising of the committee amendment of \$76,000 by the gentleman from Nebraska [Mr. POLLARD]. I think there is sufficient money to cover all the work that can be properly done within the fiscal year.

Mr. FINLEY. I only wished to understand the gentleman.

The CHAIRMAN. The question is on the amendment of the gentleman from Nebraska.

Mr. POLLARD. I should like to ask the chairman of the committee a question, if I may?

Mr. WADSWORTH. Yes.

Mr. POLLARD. I should like to ask the chairman of the committee whether this \$76,000 is simply intended to give the Bureau of Plant Industry the same amount of money they have heretofore had for the propagating of new varieties, and plant breeding, and work of that kind.

Mr. WADSWORTH. I do not put it that way, in view of the fact that the paragraph is drawn differently from last year's bill. The money appropriated for the Bureau of Plant Industry can be allotted for any work under that bureau that the Secretary of Agriculture may decide upon, and in amounts sufficient to meet all the demands.

Mr. POLLARD. Is this simply to make up the amounts that the committee took out?

Mr. WADSWORTH. Oh, no; this is absolutely extra to the Bureau of Plant Industry, absolutely in excess of what the committee reported.

Mr. BROOKS of Colorado. Does the gentleman from Nebraska understand that as a net result there is now added to the appropriation over last year \$15,000 allowed by the committee, \$4,000 allowed by the committee, and \$72,000 allowed by the committee at this time?

Mr. WADSWORTH. That is right.

Mr. POLLARD. How do you get the \$72,000 allowed by the committee at this time?

Mr. BROOKS of Colorado. By the committee amendment. It is over and above the totals of last year. There is added fifteen thousand and some odd dollars reported by the committee and incorporated in the bill. There is added now \$4,000 for the matter covered by the amendment of the gentleman from South Carolina [Mr. LEVER] and myself, which was omitted by an oversight. There is also added \$72,000 through the committee amendment made by the chairman.

Mr. POLLARD. That has not been adopted yet.

Mr. BROOKS of Colorado. It is proposed to be adopted.

Mr. POLLARD. Is it offered?

Mr. BROOKS of Colorado. Yes.

Mr. MANN. It is rather important to know whether we are adding or not adding this amount.

Mr. WADSWORTH. We are adding it.

Mr. MANN. I understood from the gentleman from Colorado [Mr. Brooks] that this proposed \$76,000 is a new item in the bill, so far as the amount is concerned.

Mr. WADSWORTH. Yes.

Mr. MANN. That has never been carried in the bill before.

Mr. WADSWORTH. It is a clean addition to the amount originally recommended by the committee.

Mr. MANN. I understood the gentleman this morning to say



that this work was not paid for heretofore out of the Congressional distribution fund. My understanding was that it was so paid for.

Mr. WADSWORTH. I said that it was so paid for.

Mr. MANN. I understood the gentleman to say it was not.

Mr. WADSWORTH. Oh, no; I said it was.

Mr. MANN. The gentleman contradicted me when I said it was.

Mr. WADSWORTH. Then I misunderstood the gentleman.

Mr. MANN. So that this item is in addition?

Mr. WADSWORTH. In addition.

Mr. MANN. For instance we have now an Agricultural Department expert in China, and the Department is to have another one in that part of China called Manchuria.

Mr. WADSWORTH. It has one there.

Mr. MANN. Engaged in making selections of foreign plants or seeds for propagation here. Now, that can be of a great deal more service than anything else. I would rather cripple any other service of the Government than to cripple that, if I had my way about it.

Mr. WADSWORTH. That is the intention of the committee, by adding the \$76,000.

Mr. MANN. It is so hard for us to believe that the Committee on Agriculture have voluntarily added \$76,000 under the prodding they have received in the House to-day that it takes a little time for us to come to a full realization of the generosity of the committee. [Laughter.]

Mr. WADSWORTH. Oh, we farmers do not mind the little prodding we have had to-day; and we have had some satisfaction in watching the growth of the opposition to free seeds. A year or two ago the opposition could only count 5 votes. To-day it is 58.

Mr. MANN. I did not vote for free seeds. I think that part of it is a good deal of buncombe; but this is of real benefit to the country, the collection of new seeds. The distribution of foreign plants, fruits, and so forth, in this country is of more value, in my opinion, than anything that is provided for in any other one separate function of the Government. Every fruit we have almost is a foreign fruit. We ought to have experts in India and other places throughout the world gathering up new fruits.

Mr. WADSWORTH. There are experts traveling in Italy, Germany, Holland, Guatemala, Cuba, Peru, Manchuria, and we have entomologists traveling in Germany and Austria. I think the Department can be trusted in this matter. I think the gentleman has omitted one thing also. The next paragraph in the bill provides \$37,000 "for the collection, purchase, testing, propagating, and distribution of rare and uncommon seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries."

Mr. MANN. That is the item I would like to see increased, and I suppose a part of the \$76,000 would be used for that purpose.

Mr. HENRY of Connecticut. It can be used for that purpose.

Mr. WADSWORTH. The committee consulted with Doctor Galloway and he said he would prefer to have it under the general clause.

Mr. MANN. Where they can use it for this purpose if they wish to?

Mr. WADSWORTH. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

Mr. POLLARD. Mr. Chairman, this matter seems to be somewhat confused. I understand the chairman of the committee to say that his amendment seeks to give the Bureau of Plant Industry the amount of money that they had last year for propagating the works of new varieties and breeding and the introduction of the varieties through the experiment station. It does not provide anything new to carry on the work which I have outlined before the committee, and for that reason I think my amendment ought to prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. POLLARD) there were—ayes 18, noes 62.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. WADSWORTH].

The question was taken; and the amendment was agreed to.

Mr. LIVINGSTON. Now, Mr. Chairman, I move that \$242,000 be added to the total.

Mr. WADSWORTH. I will offer that amendment at the proper time.

The Clerk read as follows:

For the collection, purchase, testing, propagating, and distribution of rare and uncommon seeds, bulbs, trees, shrubs, vines, cuttings, and

plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country, \$37,780; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

Total for Bureau of Plant Industry, \$587,200.

Mr. WADSWORTH. Mr. Chairman, I ask that the Clerk be authorized to correct the total, adding to it the \$76,000 and the amount carried in the amendment offered by the gentleman from Virginia [Mr. LAMB].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Correct the total so as to read \$906,120.

The amendment was considered and agreed to.

The Clerk read as follows:

For ascertaining the natural conditions upon and for utilizing the national forest reserves; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said reserves are respectively situated; and hereafter sales of timber on forest reserves in the State of California shall in every respect conform to the law governing such sales in other States, as set forth in the act of June 6, 1900 (31 Stat. L., p. 661); and hereafter all moneys received as deposits to secure the purchase price on the sale of any products or the use of any land or resources of the forest reserves shall be covered into the Treasury in the manner provided by section 5 of the act of Congress approved February 1, 1905, entitled "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," and the fund created by that act shall be available, as the Secretary of Agriculture may direct, to make refunds to depositors of money heretofore or hereafter deposited by them in excess of amounts actually due to the United States; and hereafter all moneys received as contributions toward cooperative work in forest investigations shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations by the Forest Service and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, for the employment of fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of forest reserves, and in conducting experiments and investigations in the city of Washington and elsewhere; and he may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blueprints, and forest maps at cost and 10 per cent additional, and other property or materials under his charge in the same manner as provided by law for other bureaus, the money received from such sales to be deposited in the Treasury; for collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; and for the purchase of all necessary supplies, apparatus, office fixtures, law books to an amount not exceeding \$500; for freight, express, telegraph, and telephone charges, electric light and power, fuel, gas, ice, washing towels, and traveling and other necessary expenses, \$887,140, of which sum not to exceed \$35,000 may be used for rent. And the employees of the Forest Service outside of the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year, which leaves may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

Mr. SCOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 24, line 17, after the word "situated," insert "Provided, That the exportation of dead and insect-infested timber only from said Black Hills Forest Reserve shall be allowed until such time as the forester shall certify that the ravages of the destructive insects in said reserve are practically checked, and in no case after July 1, 1908."

Mr. SCOTT. Mr. Chairman, I offer this amendment at the request of the gentleman from South Dakota [Mr. MARTIN], who was unable to be here to-day, and I understand that it is satisfactory to the committee.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, laboratory fixtures and supplies, repairs to engine and apparatus, gas and electric current, purchase of all necessary office fixtures, supplies, and necessary expenses in conducting investigations in this Bureau, including actual and necessary traveling and other expenses, telegraph and telephone services, for express and freight charges, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; to continue the collaboration with other bureaus and divisions of the Department desiring chemical investigations and to collaborate with other Departments of the Government whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; for the employment of additional assistants and chemists, when necessary, and for the rent of buildings occupied by the Bureau of Chemistry; to investigate the adulteration, false labeling or branding, and laws, regulations, and decisions relative thereto, of foods, condiments, beverages, and drugs, when deemed by the Secretary of Agriculture advisable, and to publish the results of such investigations when thought advisable: *Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding. To investigate the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the

principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein. To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process, renovated, or adulterated butters. To study, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes. To investigate the chemical composition of sugar and starch producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar and starch producing plants. And the Secretary of Agriculture, whenever he has reason to believe that any articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded either as to their contents or as to the place of their manufacture, or production, or which are kinds of products excluded from any foreign country for any cause whatever when coming from this country, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis, and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of the sampling of such articles, who may, after notification, be present and have the right to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for entry; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health or falsely labeled or branded, either as to their contents or as to the place of their manufacture or production, or which are forbidden entry or to be sold, or are restricted in sale in the countries in which they are made or from which they are exported, or which are kinds of products excluded from any foreign country for any cause whatever when coming from this country. Employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purpose named, \$130,920: *Provided*, That no payment for storage, cartage, or damage incident to the inspection of food products which are found unsuitable for entry shall be made nor payment for similar expenses incident to the entry of other food products except accruing from an order of the Secretary of Agriculture, and then for no longer period than that terminated by notification by the Secretary of Agriculture that the articles are entitled to entry.

Total for Bureau of Chemistry, \$158,500.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against that part of the paragraph after the word "adulteration," in line 12, on page 28, to and including the word "thereto," line 13, on the same page. The words embraced are "false labeling or branding, and laws, regulations, and decisions relative thereto." There is no law authorizing an appropriation for that service.

Mr. WADSWORTH. Mr. Chairman, that is undoubtedly subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order against other provisions in the paragraph.

Mr. BARTLETT. Mr. Chairman, I want to make a point of order to a further portion of the paragraph.

The CHAIRMAN. The gentleman will have the opportunity.

Mr. MANN. What was the point of order made by the gentleman from Indiana?

Mr. CRUMPACKER. I made a point of order against lines 12 and 13, on page 28, and now I make the further point of order, on page 30, to all after the word "plants," line 10, of the entire remainder of the paragraph.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. PERKINS. Before the gentleman yields I would like to know how much is covered by his second point of order?

Mr. CRUMPACKER. The point of order is to all that part of the paragraph after the word "plants," on page 30, line 10—the balance of the paragraph.

Mr. PERKINS. That would be down to and including line 22 on page 31.

Mr. CRUMPACKER. Yes; but I may conclude to limit the point of order to specific provisions.

Mr. BARTLETT. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. Mr. Chairman, I want to make certain points of order to this section, and I don't know whether the gentleman from Indiana [Mr. CRUMPACKER] has made them

or not. I do not desire to be held not to be in time with them, and I desire now to give notice that I am going to make certain points of order.

The CHAIRMAN. The rights of the gentleman from Georgia will be preserved.

Mr. WADSWORTH. Mr. Chairman, I want to understand also to what the gentleman from Indiana [Mr. CRUMPACKER] makes his point of order.

Mr. LACEY. I want to inquire where the gentleman's point of order is.

Mr. CRUMPACKER. I want to say on this proposition, Mr. Chairman—

Mr. MANN. Mr. Chairman, before the gentleman begins his discussion I wish to make a further point of order to another portion of the section.

The CHAIRMAN. The gentleman's rights will be preserved.

Mr. CRUMPACKER. Mr. Chairman, I have no disposition to eliminate anything from this bill that seems to be proper matter in an agricultural appropriation bill, nor to take from the Secretary of Agriculture any power that he properly and reasonably ought to have. But all of the provision objected to I am satisfied is new legislation and subject to a point of order. It practically grants absolute control over the question of pure food as relates to imports from foreign countries, and the ethical question which was emphasized by the distinguished head of the Bureau of Chemistry in his testimony before the Committee on Interstate and Foreign Commerce, in relation to the labeling and branding and of weights and measures of commodities that are brought from foreign countries.

Mr. MANN. Mr. Chairman, will the gentleman yield to a question?

Mr. CRUMPACKER. Certainly.

Mr. MANN. Is the gentleman aware that this is the law already?

Mr. CRUMPACKER. I am aware that it is not the law in the manner that it is included here.

Mr. MANN. Is the gentleman aware that this provision was enacted into law last year, identically?

Mr. CRUMPACKER. Oh, no.

Mr. MANN. Well, the gentleman ought to be made aware then that this has no place in an appropriation bill, because it is already the law. It does not purport to be a limitation.

Mr. CRUMPACKER. Mr. Chairman, if the gentleman from Illinois [Mr. MANN] will give me his attention for a moment, I desire to say that I have the agricultural bill for last year before me, and all of the paragraph that I have included in my point of order was not in the agricultural appropriation bill for last year. There is new matter interspersed all the way through the balance of the paragraph after the word "plants," on page 30, line 10. For instance, in line 15, page 30, after the word "production," there are the words "or which are kinds of products excluded from any foreign country for any cause whatever when coming from this country." That is new matter.

Mr. WADSWORTH. That is right; that is new.

Mr. CRUMPACKER. Then, in line 23 the words "of the sampling" were not in last year's bill, and in the same line all after the word "notification" was not in last year's bill. Then, in line 24, after the word "testimony," there is language which is not in last year's bill.

Mr. WADSWORTH. Mr. Chairman, we do not modify the powers granted at all; we simply completed it.

Mr. CRUMPACKER. Mr. Chairman, I am showing what was not in last year's bill—after the word "testimony," in line 24, the words "before the Secretary of Agriculture, or his representative, either in person or by agents, concerning the suitability of such articles for entry," were not in last year's bill. Then on line 9, page 31, after the word "exported," the words "or which are kinds of products excluded from any foreign country for any cause whatever, when coming from this country," were not in last year's bill. In addition to that none of the proviso was in last year's bill.

Mr. MANN. The proviso is subject to a point of order.

Mr. WADSWORTH. Mr. Chairman, those little amendments do not alter the sense or purport of the clause in any particular. It simply perfects it and really gives the shipper more opportunity to defend his shipments.

Mr. CRUMPACKER. Mr. Chairman, I am inclined to modify my point of order so as to include the new provisions only. The new matter in lines 15, 16, and 17, on page 30, ought not to be in this bill or any other bill.

The CHAIRMAN. The gentleman modifies his points of order, does the Chair understand?

Mr. CRUMPACKER. I will make that statement in a moment. I am explaining the proposition. The new matter contained in lines 15, 16, and 17 on page 30 ought not to be in this



bill or any other bill, and it is a most dangerous power to confer on any Department officer. What is the meaning of it? It means that whenever the Secretary of Agriculture has reason to believe that any articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded, either as to their contents or as to the place of their manufacture or production, or which are kinds of products excluded from any foreign country for any cause whatever, when coming from this country, they shall be excluded. Now, I believe in the policy of retaliation. We already have a statute upon that subject, vesting in the President of the United States the power to exclude products coming from foreign countries which exclude similar products when sent there from this country, but here this provision excludes products coming from one foreign country when the same kind of products coming from this country are excluded from any country whatever. To illustrate—

Mr. MANN. Of course, if the gentleman will pardon me, if the gentleman's construction of that be right I think nobody would defend it.

Mr. CRUMPACKER. Well, isn't it right? Can it mean anything else?

The CHAIRMAN. The question is on the point of order, and a discussion of this kind is not relevant to the point of order which is now before the committee.

Mr. CRUMPACKER. Mr. Chairman, I want to make this statement—

The CHAIRMAN. If the gentleman has anything to say on the point of order, the Chair will be glad to hear it.

Mr. CRUMPACKER. Mr. Chairman, we are trying to arrange so that the point of order can be so reduced as not to include so much of the bill, and I will be ready in a couple of minutes to designate the particular parts of the paragraph I desire to go out on the point of order.

Mr. MANN. If the gentleman will pardon me, the object of that provision is this: Germany, for instance, or some other country excludes articles which we wish to send over there—

Mr. CRUMPACKER. Yes.

Mr. MANN. For the reason that it is preserved in a certain way or put up in a certain way. Now, why should we permit German manufacturers, if it be Germany, to send over here the precise article which Germany excludes from here and put us to all that trouble? Now, the purpose is, of course, to limit that to the particular nation that does exclude us.

Mr. CRUMPACKER. I have no objection to that at all. As I said a moment ago, this provision excludes products from one country in all cases where similar products of this country are excluded, not from that country, but from any country, for any cause whatever.

Mr. LAMB. I suggest to the chairman to accept the proposition.

Mr. CRUMPACKER (continuing). Under the language of this provision, if articles come from France or England to this country, and Germany excludes similar articles coming from the United States, we are not permitted to let the French articles or English articles in.

Mr. MANN. Well, I do not think it bears that construction.

Mr. CRUMPACKER. I do not think it bears any other construction. It may have been the intention to retaliate only against the country discriminating against us, but it does not say so. Under the provision, if Germany excludes articles shipped from this country we must deny admission of similar articles not only from Germany, but from any foreign country—England, France, Austria, Belgium, or any foreign country whatever. Now, Mr. Chairman, I desire to limit the point of order to the new language in lines 15, 16, and 17.

Mr. WADSWORTH. Just read the section.

Mr. CRUMPACKER. All after the word "production," in line 15, page 30, to and including the word "country," in line 17, page 30.

Mr. WADSWORTH. I concede it is subject to the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard upon the point of order?

Mr. MANN. I understand the point of order is restricted only to the new matter.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CRUMPACKER. Mr. Chairman, there are two other provisions—

Mr. MANN. That includes the proviso?

Mr. CRUMPACKER. Well, it will. Strike out all after the word "export" in line 9, page 30, including the entire language of line 11 of the same page.

Mr. WADSWORTH. That is subject to the point of order.

Mr. CRUMPACKER. And also the entire proviso on page 31.

Mr. WADSWORTH. That is subject to the point of order. It is new legislation. I simply want to say, Mr. Chairman, in defense of the committee, that it was the only way in which we could build up this Bureau of Chemistry and render it efficient in preventing the introduction into this country of adulterated and falsely branded articles of food, in view of the fact that we had no general law on the subject. The object sought to be attained is excellent and for the preservation of health, and I am sorry the gentleman from Indiana raises the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTLETT. Mr. Chairman, I do not know to what extent the point of order made by the gentleman from Indiana went. I want to understand, but if it is necessary—

The CHAIRMAN. Without objection, the Clerk will again report the point which went out.

The Clerk again reported the portion stricken out.

Mr. BARTLETT. Now, Mr. Chairman, I make the point of order, if it has not been made, on line 11, page 28, "to investigate the adulteration, false labeling or branding, and laws, regulations, and decisions relative thereto, of foods, condiments, beverages, and drugs."

The CHAIRMAN. The Chairman will also state that has gone out. If the gentleman from Georgia will wait a moment the Clerk will again report the portions that have been stricken out.

The Clerk again reported the portions stricken out.

Mr. BARTLETT. Mr. Chairman, I raise the point of order on page 29 to the language "to establish standards of purity for food products and to determine what are regarded as adulterations therein." I make the point of order that there is no law—

The CHAIRMAN. What lines?

Mr. BARTLETT. Page 29, lines 14, 15, and 16; and the chairman of the committee, I apprehend, will admit that there is no law for that.

Mr. WADSWORTH. You want to commence to strike out on line 11, and down to where?

Mr. BARTLETT. Down to "therein."

Mr. WADSWORTH. It is true there is no authority in law for that, except as it has been carried in the appropriation bill for at least five years.

Mr. BARTLETT. I desire to say that for four years this provision has been carried in the agricultural appropriation bill, but there is no other law for it. I make the point of order. It is a proposition of law which has been repeatedly ruled upon—that the fact that it is carried in an appropriation bill for that year does not make it permanent law, as has been time and time again decided by various Chairmen of the Committee of the Whole House. There is no law for this. Mr. Chairman, did I understand that the proviso in line 16, page 28, was also stricken out?

The CHAIRMAN. Page 31?

Mr. BARTLETT. Page 28.

The CHAIRMAN. No.

Mr. BARTLETT. Mr. Chairman, I make the point of order on that, commencing with the proviso on line 16 on page 28, down to and including the word "used," on line 2, page 29. I make the point of order against that and the other to which I have called the attention of the Chair.

Mr. MANN. We ought to have the matter clearly before us, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The point of order against the proviso on page 28, which reads: "Provided, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding. To investigate the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use."

The CHAIRMAN. We will return first to the point of order raised by the gentleman from Georgia [Mr. BARTLETT] on page 29, lines 14, 15, and 16.

Mr. MANN. Mr. Chairman, of course the point of order which the gentleman raises goes to all of the provisions.

Mr. BARTLETT. Yes, sir.

Mr. MANN. All of these provisions. It practically goes to the bill, so far as that is concerned.

The CHAIRMAN. The Chair sustains the point of order with reference to this question.

Mr. PARKER. With reference to the other point of order that was made, as to the proviso on page 28, I would suggest to

the Chair that the proviso is a mere limitation and not new legislation. The old legislation in the last appropriation bill allowed the Bureau of Chemistry to investigate the adulteration of foods and to publish the results, and it is now proposed to provide that before any publication be made they shall give notice to the owner. This is a limitation, and it seems to me, therefore, not to be new legislation. I think it is a valuable provision anyhow. I do not understand why anyone should wish to strike it out.

Mr. BARTLETT. Mr. Chairman—

Mr. PARKER. Mr. Chairman, I submit to the gentleman that the proviso helps the bill.

Mr. BARTLETT. Mr. Chairman, I thought the point of order made by the gentleman from Indiana reached more than the two lines. I make the point of order against the words commencing on line 11, page 28, to "investigate," ending with the word "advisable," in line 16, and including the proviso.

Mr. PARKER. Mr. Chairman, on that point of order I desire to say that the law last year provided for just that investigation—to investigate the adulteration of foods, condiments, beverages, and drugs when deemed by the Secretary of Agriculture advisable, and to publish the result of such investigations when thought advisable. That is in the law of last year.

The CHAIRMAN. The Chair desires to ask the gentleman from New Jersey whether he considers that the law which he has now read is permanent law?

Mr. PARKER. It seems to me that when the bill says "Laboratory, Department of Agriculture, general expenses, Bureau of Chemistry," to do certain enumerated things, that this is an assignment to that Bureau of certain functions, and that you can not construe that law in any other way than as such an assignment.

The CHAIRMAN. Which is not necessary.

Mr. PARKER. But if it is a repetition—

Mr. MANN. Whether it is necessary is for the committee to say.

Mr. PARKER (continuing). It is merely discretionary to put it in, and if it is a repetition it does no harm. It is an assignment of a certain function. But if you leave this function out you do not appropriate the money for it. If you want them to do that work you must repeat the words, so as to say that they are to perform the same functions as they did last year. The object I have in rising is that while I have the same objection that the gentleman from Georgia and other gentlemen here have against giving discretion to these Departments and do not believe in their using—

The CHAIRMAN. The gentleman is not speaking to the point of order.

Mr. PARKER. I know that I am speaking only by unanimous consent. I only want to indicate the purport of what I meant to say hereafter. I am in favor, I am greatly in favor, of letting the people know what they eat and drink. I am going to move to insert the word "composition," so that the Bureau may investigate and publish the composition of foods and let the people know what they eat or drink, without having the Department say what they shall or shall not eat or drink. The real good will be attained by simply publishing the result of the investigation.

The CHAIRMAN. The Chair is prepared to rule.

Mr. MANN. The Chair may be prepared to rule. Will the Chair listen?

The CHAIRMAN. With much pleasure, if the gentleman desires to speak on the point of order.

Mr. MANN. I desire very likely to reserve the point of order on the whole paragraph after the Chair rules.

Mr. BARTLETT. May I inquire if the Chair knows fully the extent of my point of order?

The CHAIRMAN. Yes.

Mr. PERKINS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PERKINS. I would like to ask whether a point of order has yet been made against page 29, beginning after the word "countries," contained in line 11, down to the word "therein," line 16.

Mr. WADSWORTH. That has all gone out.

Mr. PERKINS. That has been made and sustained.

The CHAIRMAN. It seems to the Chair that if this language included in the lines upon which the point of order is made by the gentleman from Georgia is permanent law, as is claimed by the gentleman from New Jersey, then it should not be here. If it is not permanent law, then it seems to the Chair that it is new legislation and is clearly subject to the point of order.

Mr. MANN. Does the Chair hold that he can rule out something because it is really the law? Can we not reenact it? The

committee has a right to a ruling of the Chair on the point of order; but it is for the judgment of the committee as to whether we reenact, as to whether that shall be in or not, with all due deference to the Chair. As to whether it is the law, or is contrary to law, that is a matter which we have a right to have the Chair determine.

The CHAIRMAN. The Chair agrees with the gentleman from Illinois. The Chair desires to find whether it is subject to the point of order.

Mr. PARKER. May I suggest to the Chair, very deferentially, that if you rule out the words on account of being permanent law, you rule out the appropriation for the purpose of carrying out the law, taking from the Department the money to carry it into effect. The money can not be used for that purpose unless the words are repeated.

The CHAIRMAN. It seems to the Chair that if it is permanent law, it is on the statute book now, and the appropriation carried in the bill would be expended under the law.

Mr. PARKER. The appropriation must be made for that specific purpose, or else it will not be expended for that. If you do not appropriate for the Department of Chemistry, the Department of Chemistry gets nothing; and if you do not appropriate for doing that particular work in the Department of Chemistry, that work can not be done.

Mr. BARTLETT. May I make a suggestion to the Chair?

The CHAIRMAN. The gentleman from Georgia.

Mr. BARTLETT. I insist that under the rule governing these provisions the fact that the appropriation was carried in the last appropriation bill does not make it permanent law.

The CHAIRMAN. The Chair recognizes that fact. The Chair is familiar with the proposition that the gentleman from Georgia has in mind.

Mr. PERKINS. The gentleman from Georgia [Mr. BARTLETT] having suggested that being the well-established rule, it seems to me these provisions must necessarily be ruled out upon the point of order, because I do not see how it can be claimed on the other side that these provisions have ever been enacted into positive law. That disposes of the point made by the gentleman from Illinois.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. I desire to make the point of order on the whole paragraph. There is no law for anything in here that I know of—or anything in the bill.

Mr. WADSWORTH. Do you mean the whole paragraph relating to the Bureau of Chemistry?

Mr. MANN. Yes; the laboratory.

Mr. PARKER. There is no authorization for the laboratory except on an appropriation bill.

Mr. MANN. I understand it is all in the same boat, Mr. Chairman. The bureaus in the Department of Agriculture have grown on appropriation bills. If it is the purpose to wind them up, why, let us wind them up now.

Mr. PERKINS. What is the gentleman's point of order?

Mr. MANN. I make the point of order on the whole paragraph of the laboratory.

Mr. CRUMPACKER. Where is there any objection to the provision in the bill now, since the new matter has gone out on a point of order?

Mr. MANN. A lot of the old matter has gone out on a point of order. They have taken out of the bill now most of it that is any good.

Mr. WADSWORTH. Mr. Chairman, I have only to say this to the point of order made by the gentleman from Illinois: The act under which the Department was organized provides in section 522 for one chemist, at a salary of \$2,000; one assistant chemist, at a salary of \$1,500; and certainly it implies the formation of a Bureau of Chemistry. What would these chemists have to do if you did not give them work to do?

Mr. PERKINS. They would do no harm, at any rate.

Mr. CRUMPACKER. Then, another thing. Since the Chair has sustained the point of order, I think there is nothing left in the paragraph that is subject to a point of order.

Mr. WADSWORTH. There is nothing to which anybody can object at all.

Mr. CRUMPACKER. There is nothing that changes existing law, and therefore a point of order against what remains of the paragraph is certainly not well taken.

The CHAIRMAN. The Chair will be glad to hear from the gentleman from Illinois.

Mr. MANN. The provisions which the Chair has ruled out upon the point of order stand upon the same footing, as far as the law is concerned, as the balance of the provisions of this paragraph. The Chair rules out of order the provision—

To investigate the effect of cold storage upon the healthfulness of foods.



By the same token you should rule out the provision—

To enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries.

And the provision—

To investigate the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters.

They all stand on the same footing. While I do not agree with the Chair in its ruling (and this was not called to the attention of the Chair, and I do not know that it would modify the opinion of the Chair), I think this is a work in progress now. We have a great Bureau of Chemistry, with a large laboratory over here. To rule it out, of course, closes it up. It is a work in progress according to my notion. But it is all upon the same footing. There is no provision of law for any of it, unless it is already provided by law.

Mr. WADSWORTH. There is one provision—

Mr. MANN. There might be some one provision that is authorized by law, but that would have to go out with the rest of it.

The CHAIRMAN. The organic law provides for practical and scientific experiments, but it does not provide, so far as the Chair is able to ascertain, for any of the investigations referred to in the matter that has been ruled out.

Mr. MANN. But the Chair ruled out another thing—

Mr. ADAMS of Wisconsin. Does not the Chair regard that kind of an investigation as "practical and scientific?"

The CHAIRMAN. Yes. But the organic law provides (sec. 526):

That the Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power.

The information must relate to agriculture.

Mr. ADAMS of Wisconsin. Mr. Chairman, this very important work has been carried on for the last five years by the Government in the way of detecting adulterants designed for food and drinks brought here from foreign countries. That is done for two reasons: First, perhaps, to protect the people of the United States, the consumers, and also in the interest of American agriculture, to prevent dishonest competition with the products of the farm and the honest products of the factory.

The CHAIRMAN. The Chair does not question that. The Chair does not question the importance of the legislation, which the chairman of the Committee on Agriculture said that he felt was absolutely necessary to carry on the work that has already been undertaken by the Secretary of Agriculture, but which he admitted was subject to the point of order. Now, if general legislation is necessary it can be had; but the Chair is given no discretion in determining these points of order. The Chair must follow the rules of the House.

Mr. SCOTT. Mr. Chairman, I would like to ask the Chair, in the event that this point of order is sustained, what he would do with the portions of this paragraph which are undoubtedly inserted to give the Secretary of Agriculture power to carry out the law that does exist? For example, the provision with reference to oleomargarine, which is specifically referred to on page 29, in which it gives the Secretary the power to investigate the chemistry of dairy products by adulterants used therefor. In accordance with the execution of that law relating to that process there is this provision for carrying into effect the existing law, and if this entire paragraph is ruled out I hardly know what will become of that.

The CHAIRMAN. Does the gentleman understand that any point of order has been raised against that provision?

Mr. SCOTT. I understood the gentleman from Illinois to raise a point of order against the whole paragraph.

Mr. BARTLETT. I want to say to the gentleman that, as far as I was concerned, I carefully avoided making any point of order against that provision which he has just read.

Mr. SCOTT. That is true, but the gentleman from Illinois made a point of order against the entire paragraph, and if it is sustained, we are striking out a provision in accordance with existing law.

Mr. BROOKS of Colorado. Mr. Chairman, I would like to inquire if the Chair is considering the point of order raised by the gentleman from Illinois, the point of order on the whole section?

The CHAIRMAN. The Chair certainly is.

Mr. BROOKS of Colorado. Mr. Chairman, it seems to me that the point of order decided in the first session of the Fifty-seventh Congress, which will be found on page 4847 of the RECORD, with reference to the Bureau of Chemistry, is certainly in point and certainly furnishes authority for the work

covered by the paragraph. I think as to specific clauses, the portions objected to by the gentleman from Indiana, the point is good, but I think this decision ought to cover the objection to the section. There the provision was for investigations by the Department of Agriculture in the Bureau of Chemistry, the Bureau of Animal Industry, and the work of the Weather Bureau, and also investigation into the chemical composition of sugar-producing plants. The point of order was overruled by the gentleman from Maine [Mr. POWERS]. The point was made by Mr. CANNON, and it was overruled on the general authority of the organic act establishing the Department of Agriculture.

Mr. PARKER. Was it not on the ground that Congress could limit the general power to do certain specific acts?

Mr. BROOKS of Colorado. It was on the principle that the work was authorized by the organic act.

Mr. PARKER. The act only limited the appropriation to certain parts of the chemical work?

Mr. BROOKS of Colorado. Mr. Chairman, I think so. I have the section of the RECORD here, if the Chair wishes to see it.

Mr. MANN. Mr. Chairman, before a final ruling is made I wish to call the attention of the Chair to another proposition, and that is as to whether this Chemical Bureau could be sustained on the ground that it is a continuation of an appropriation for an object already in progress. The Government several years ago, creating the Bureau of Chemistry and the Laboratory of Chemistry, entered upon a work as carried out by the appropriation bill certainly with some object in view. That object was a consideration of foods and other things in connection with drinks and foods from a chemical standpoint. It proceeded further, and entered upon the project of excluding from the country various adulterated and misbranded foods which were brought into the country. I supposed that that was an object in view. Whether it is an object in progress, under the meaning of the clause of the rule, I do not feel at all certain myself, but I submit the idea to the Chairman.

Mr. PARKER. Mr. Chairman, I hope this decision will go over until to-morrow morning, but I want to have a single word on the law of this matter. I desire to submit that the organic law provides that the object of the Agricultural Department shall be "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture," and that, of course, includes foods, "in the most general and comprehensive sense of that word," and that law further provides that there shall be a chemist and assistant chemist in the Department. That law thus gives general power to make chemical investigations. That being so, Congress by the appropriation bill every year can limit the use to which the money shall be put by saying that it shall not be used on any sort of chemical investigation that the Department pleases, but shall be devoted to certain branches of that chemical investigation. That is a limitation. It is not a new law. It says, "You can make chemical investigations of this sort or chemical investigations of that sort out of that appropriation, but nothing else," and therefore I consider that in this particular clause all these provisions that say that the Bureau may investigate adulterations, or whatever it may be, are directing the purpose of the appropriation to something already authorized by law, and so limiting it to particular things and not giving it to general purposes.

The CHAIRMAN. Will the gentleman from New Jersey tell the Chair what he read from?

Mr. PARKER. I read from Title XI, Department of Agriculture, in the Revised Statutes, page 87, first under section 520 and next under section 522. Section 520 states the object of the Department, namely, to acquire and diffuse information on subjects connected with agriculture, and section 522 provides that there should be a chemist and an assistant chemist.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BARTLETT. Mr. Chairman, I desire to ask the gentleman from New York if the total ought not to be changed on page 31. The total is \$158,500. Since these items have gone out of the bill, does not the gentleman think that that amount ought to be changed?

Mr. WADSWORTH. They do not affect the total appropriated at all.

Mr. BARTLETT. Very well.

The Clerk read as follows:

Soil investigations: General expenses, Bureau of Soils: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts; for investigations of soils and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-

competing countries; to investigate, in cooperation with the Bureau of Plant Industry, the methods of curing, with particular reference to fermentation, to originate, through selection and breeding, improved varieties for the principal tobacco districts of the United States, and to secure, as far as may be, a change in the methods of supplying tobacco to foreign countries; the location of the stations; rent of buildings, not to exceed \$4,000 per annum, for office and laboratory purposes; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; the preparation and printing of reports, drawings, and illustrations; for materials, tools, instruments, apparatus, gas, and electric current, furniture, supplies; for telegraph and telephone service, and for traveling expenses, freight and express charges, and other necessary expenses, \$180,000.

Mr. MUDD. Mr. Chairman, I offer an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting on page 33, line 17, after the word "countries," as follows: "To investigate with a view of improving the conditions relating to the supply and sale of domestic tobacco to any foreign country or countries where the business of buying and selling tobacco is conducted by the Government."

Mr. WADSWORTH. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MUDD. Mr. Chairman, I ask permission to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. DRISCOLL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 4, page 34, after "dollars," insert: "Provided, That \$5,000 of the amount hereby appropriated shall be expended by the Secretary of Agriculture in experimental work in raising tobacco in Onondaga County, State of New York."

Mr. DRISCOLL. Mr. Chairman, the chairman of the Committee on Agriculture approves of this amendment.

Mr. WADSWORTH. Mr. Chairman, I have no objection to the amendment.

Mr. LEVER. Mr. Chairman, I would like to ask the gentleman from New York the object of his amendment.

Mr. DRISCOLL. Mr. Chairman, I have offered this amendment and sincerely hope it may be allowed, in order that the tobacco growers of the State of New York, and especially of the county of Onondaga, may be given a little assistance and encouragement in the development of their industry by the Department of Agriculture through the Bureau of Soils; and in this we ask only the same treatment and benefits which have been given to other tobacco-producing districts in the country. Experiments in tobacco culture have been made in other tobacco districts, and we ask that the same kind of experimental work be done in our district. By the assistance of the Department of Agriculture in other localities the yield per acre has been increased, the quality improved, the price enhanced, and the acreage enlarged. And in order that our tobacco growers may be encouraged and stimulated in the same way this amendment is offered.

For a long time I have been trying to interest the Department and the Bureau of Soils in the tobacco districts of our State, and have made a little progress. Three years ago a soil survey was made of the tobacco district in Onondaga County, extending over into Cayuga County, in the district represented by Mr. PAYNE, and into Oswego County, in the district represented by Mr. KNAPP. Samples of soils were taken to Washington and analyzed, and other necessary data and information were accumulated. Later on a map and report were made and issued by the Bureau of Soils. Those were sent to tobacco growers in that district, and since that time they have been appealing to the Department to interest itself in experimental tobacco growing in that locality, in the same manner it has done in other States. They ask that a station be established there, and that men of experience from the Bureau of Soils be sent out among their tobacco growers to give them the benefits of their scientific knowledge and experience gained in similar work in other fields. In their behalf I have again and again applied to the Department and the Bureau of Soils every year since the survey was made for such aid, and my application has been denied, always on the ground that the appropriations were not large enough. I have been told on all occasions that an experiment station could not be established and properly conducted in New York without the withdrawal of a tobacco party from some other State in which the experiments have not been completed, for it requires more than one year to thor-

oughly do this work and educate the farmers so that they may continue on their own account. It takes several years for a tobacco party to complete experiments in the selection of seeds and their adaptation to the several soils, the selection of the best and most economical fertilizers and the amounts to be used, and in cutting, curing, fermenting, assorting, and otherwise handling the product to the best advantage, and in educating the farmers so that they may continue the work understandingly and advantageously.

The Secretary of Agriculture and the Chief of the Bureau of Soils have always expressed themselves as very anxious to take up the work in the New York district. They admit that it is very necessary and would be a great benefit to the tobacco growers, but they say that the appropriation for the Bureau of Soils will not permit it.

Now, these experiments have been made, and are being made, in other States and tobacco districts in Connecticut, Pennsylvania, Ohio, Virginia, Georgia, Florida, Alabama, and Texas with excellent and profitable results. And we submit that New York should not be longer overlooked or neglected in this scheme of beneficial assistance, even if it requires an extra appropriation of \$5,000, or if the Secretary of Agriculture be directed to spend \$5,000 of this appropriation in experimental work in the tobacco districts of Onondaga County, N. Y.

The natural conditions in New York are very similar to those in Connecticut. The climate is about the same, the soils are very similar, and the varieties of tobacco grown in both States are very much alike. Both grow fillers, binders, and wrappers. Both produce cigar-making tobacco.

Some years ago the Bureau of Soils interested itself in the culture of tobacco in the Connecticut Valley. Experimental stations were established there. Tobacco experts were sent there. The plant was cultivated in the shade, and extensive and quite expensive experiments were made generally, and the farmers were given all the benefits, experience, and scientific knowledge possessed by the Bureau of Soils. As a result the tobacco interest has been improving and prospering in that State while it has been languishing and falling off in ours. The following statement, or table, speaks for itself:

*Tobacco production in New York.*

| Year.     | Number of acres planted. | Average yield per acre. | Total yield. | Average price per pound. | Total value of crop. |
|-----------|--------------------------|-------------------------|--------------|--------------------------|----------------------|
|           |                          | Pounds.                 | Pounds.      | Cents.                   |                      |
| 1901..... | 11,307                   | 1,234                   | 13,958,370   | 8                        | \$1,172,296          |
| 1902..... | 8,040                    | 1,250                   | 10,050,000   | 8                        | 804,000              |
| 1903..... | 7,900                    | 1,125                   | 8,955,000    | 8                        | 716,400              |
| 1904..... | 5,492                    | 1,145                   | 6,288,340    | 10                       | 628,834              |
| 1905..... | 6,151                    | 1,148                   | 7,061,340    | 10½                      | 741,442              |

*Tobacco production in Connecticut.*

| Year.     | Number of acres planted. | Average yield per acre. | Total yield. | Average price per pound. | Total value of crop. |
|-----------|--------------------------|-------------------------|--------------|--------------------------|----------------------|
|           |                          | Pounds.                 | Pounds.      | Cents.                   |                      |
| 1901..... | 10,119                   | 1,673                   | 16,920,770   | 18                       | \$3,074,052          |
| 1902..... | 12,725                   | 1,712                   | 21,785,200   | 16                       | 3,485,632            |
| 1903..... | 13,234                   | 1,600                   | 21,174,400   | 15½                      | 3,282,032            |
| 1904..... | 12,705                   | 1,685                   | 21,407,825   | 22                       | 4,828,151            |
| 1905..... | 13,340                   | 1,725                   | 23,011,500   | 17                       | 3,911,955            |

Investigation and experimental work have been conducted by the Bureau of Soils in Ohio. The different tobacco soils, and seeds adaptable to those soils, have been studied. Improved methods of cultivating and curing have been developed. Improved methods of planting, cultivating, handling, and fermenting the tobacco in bulk have been introduced. A higher grade of Cuban filler tobacco has been developed. The yield is increasing, and the quality of tobacco is improving. The Ohio district is now growing about 36,000,000 pounds annually of a better quality than heretofore. It brings a better price in the market, and this industry is prospering there.

In Texas and Alabama the Department is assisting the tobacco growers, and is introducing Cuban filler tobacco upon soils adapted to it and determined by their various soil surveys made in those States. There is a belt of land lying about 200 miles back from the Gulf coast, upon which the Cuban filler tobacco is nearly up to the grade of that grown in the island of Cuba. Under the benign assistance of the Department the tobacco interests in the State of Texas are extending and prospering. A fine grade of filler tobacco is being introduced and is being improved by those better methods of cultivation and selection. This is a new crop there, and is becoming not only profitable but is a substitute for cotton, which in some localities is seriously threatened by the boll-weevil.



In Virginia, too, the work of improving the tobacco leaf has been carried on for several years. The best grades of this product are being used in the United States for plug wrappers, and large quantities are being exported. Many and extensive experiments have been made in that State in different localities, and as a result the industry has been stimulated, the farmers have been encouraged, the quantity has been increased, and the quality improved.

Through the work of the Department of Agriculture and efforts of individual tobacco growers, the yield of the tobacco product in Florida has been greatly increased, and what was formerly a languishing industry is now thrifty and prosperous. Those experiments, and the experiments of the Department in other States, illustrate what may be accomplished by introducing new grades of tobacco, selecting proper and economical fertilizers, reforming the methods of cultivating, curing, and handling so that losses may be avoided, and introducing sound business methods in the management of this industry. Possibly some losses have been suffered by individual farmers in experimental work and in trying to follow new methods introduced or suggested by the Department. But the general results of these experiments by the Department in the various districts and States have been good, and have tended to increase the yield, improve the quality, reduce the expense, encourage and stimulate the tobacco growers, and in many instances to revive languishing industries. The Bureau of Soils, by reason of several years of experience in this experimental work, is now fully equipped to enter new fields, improve the varieties, and stimulate the tobacco business, without any material risk to the farmers in trying to follow their suggestions.

We ask that the tobacco growers in the State of New York be given the benefits of this experience and scientific knowledge. The tobacco industry in New York is not new. The plant was first grown in the town of Marcellus, Onondaga County, in the year 1845. It was found to be a success, and its cultivation continued to grow and spread throughout the county of Onondaga and adjoining districts and also into the county of Chemung. Seed leaf and Habana seed tobacco are grown in Onondaga. Both varieties are used in the manufacture of cigars, and both produce filler, binder, and wrapper grades. The light, silky, flexible tobacco leaf is produced on open-textured sandy soils and the heavier leaves are grown on close-textured loamy or clay soils. But the character of the leaf is determined not only by the soil, but by the methods of cultivation and the kinds and amounts of fertilizers, as well as by the methods of fermenting, curing, and handling.

The soil survey of the Onondaga district locates about 14,528 acres of Miami fine sand, a soil which in many of its characteristics is very much like the sandy soil in the Poquonock district in Connecticut. It locates about 19,968 acres of Miami fine sandy loam, 39,424 acres of Miami gravelly loam, and 41,536 acres of silt loam. These different varieties of soils produce different grades of tobacco. The light, sandy soils produce silky, high-grade wrappers and the solid, close-textured soils produce heavier grades of tobacco, which are used for fillers and binders.

The preliminary work has been done in the soil survey—map and report. The experts in the Agricultural Department, with their large experience in other places, can render great assistance to our farmers and tobacco growers in advice and suggestions, in recommending the proper grades of tobacco to fit the soil, and in educating them according to the most approved methods how to plant, cultivate, dry, and generally handle the product to the best possible advantage.

New York's agricultural interests may possibly be overlooked or overshadowed by the tremendous importance of its commercial, manufacturing, and financial achievements. Manhattan Island beats the world in location, formation for drainage, rock bottom for large buildings, climate, natural defenses, magnificent harbor and dockage, and all the natural advantages for a great commercial center. Greater New York is the metropolis of the western continent and its nervous center of commerce and finance, and is, in my judgment, beyond comparison the greatest city in the world. New York is a State of cities and large towns. Our ordinary municipalities suffer by comparison.

As an agricultural State, our relative position in the Union may not be recognized. Yet, according to the census of 1900, as an agricultural State New York heads the list in the value of its hay and forage, milk and cream, general dairy live stock, market-garden products, vegetables and apples, and is second in other products of the farm. Although it is the twenty-eighth on the list of States in area, it was fourth in the value of its farm products, and only eleventh in its tobacco industry. And while in other States and districts this industry has been growing and prospering since 1900, the tobacco in-

dustry in our State has been languishing and going backward. This should not be. Our farmers are sturdy, thrifty, and generally prosperous. In intelligence, industry, and even in scientific farming they are second to those of no other State in the Union. But our tobacco growers have not had a fair chance. They have been neglected and overlooked and permitted to shift for themselves, while the tobacco growers in other districts and other States have been helped in various ways by the Department. New York does not deserve this. The tobacco districts in New York, Onondaga and Chemung, do not deserve it. They are located in the Empire State. Onondaga is the geographical center. Our farmers do not ask many favors from the General Government. They have no arid lands to be irrigated, no swamps to be drained, no rivers and harbors to be improved. Our State is now building a large canal throughout its whole length, from Lake Erie to the Hudson, at an estimated cost of \$101,000,000, and the chances are that it will cost another hundred million before it is fully completed and in operation and the large liabilities are paid for riparian damages. And this great waterway, as a channel of commerce and transportation, will tend to keep down freight rates, which we are now trying to accomplish by legislation. It will inure to the benefit of the farmers throughout the great West by cheapening transportation, and it will injure our farmers by bringing the products of the fertile Mississippi Valley into their market. But of this they do not complain. New York, by reason of its diversified interests and its foremost position in the great activities which go to make up the prosperity of the nation, deserves well of the other States and of their Representatives in Congress.

This appeal of our tobacco growers, in order that they may have an even chance and a square deal with the people engaged in the same business in other States, should be recognized by the allowance of this little appropriation and the adoption of this amendment. It should be respected by the gentlemen who represent arid-land districts, which receive large benefits from the General Government. It should be recognized by you whose districts border on tide water and on large rivers, for the improvement of whose rivers and harbors large appropriations are being made from the Federal Treasury.

It should be recognized by the gentleman representing other tobacco-growing States and tobacco-growing districts, because it is only fair and just and reasonable. It should be recognized by you gentlemen whose cotton industry is being threatened by the boll weevil, and for the extermination of which a liberal appropriation is carried in this bill. It should be recognized by you gentlemen whose industries are being damaged by the gypsy moth and the cattle tick, and for the eradication of which appropriations are being made. I appeal to the inherent judgment and the spirit of fair play always manifested by members of this body; and especially I appeal to the distinguished chairman of the Committee on Agriculture, a New Yorker by birth, an agriculturist by occupation, an honored member of a great, distinguished, and patriotic family, and the progenitor of the brilliant and accomplished young speaker of the New York assembly, who, let me venture to say without disrespect to others, promises to eclipse the whole line of his distinguished forbears in well-doing and patriotic accomplishment. It is true that tobacco is not grown in his district, and in that regard he is not directly interested; but he is a gentleman of too broad and comprehensive vision to object on that ground. He is aware that the prosperity of one district tends to the prosperity of the whole Commonwealth, and the prosperity of one State tends to the prosperity of all the States. He is aware that our tobacco interests in New York have been going backward, languishing, and suffering. He is aware that our tobacco growers have not had a fair chance with the tobacco growers in other parts of the country. He is aware that they need such assistance as the Bureau of Soils and experienced experts can supply, in order that this industry may be revived, and he is also aware that this industry will continue to languish and suffer unless it is stimulated in this way. On all these grounds, and many others which may be advanced, I appeal to him to join with me in asking that this amendment be allowed in the interest of the tobacco growers of Onondaga.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 13783. An act to provide souvenir medallions for the Zebulon Montgomery Pike Monument Association; and  
H. R. 11796. An act for the diversion of water from the Sac-

ramento River, in the State of California, for irrigation purposes.

#### AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. WADSWORTH. No; I will say to the gentleman from South Carolina the work of Connecticut is almost finished and at some other points, and they can easily go now to New York State. No experiments have been made in New York State.

Mr. LEVER. I will say to the gentleman from New York if the gentleman from Kentucky is willing to do that I will make no objection.

Mr. HENRY of Connecticut. Let me say in reply to the gentleman from New York that the work in Connecticut is not completed and is not likely to be in the next ten years.

Mr. WADSWORTH. That, Mr. Chairman, is a different understanding from what I have on the subject. I think Mr. Whitney, head of the Bureau, said before the committee that the work was almost completed.

Mr. HENRY of Connecticut. Doctor Galloway is doing the work.

Mr. WADSWORTH. Oh, that is another appropriation; I thought the gentleman was mistaken. One is under the Bureau of Plant Industry and the other is under the Bureau of Soils.

Mr. LEVER. What I was about to say, Mr. Chairman, is this: I am perfectly willing for the gentleman from New York to have this; but if he is to have that I must insist on increasing the lump sum in this bill \$5,000 in order that the work being done in other sections of the country may not suffer by reason of this. If the chairman of the committee is willing to do that I shall make no objection to this.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

Mr. LEVER. Now, Mr. Chairman, I move to add \$5,000 to the sum total of this Bureau.

Mr. WADSWORTH. Mr. Chairman, I hope this motion will not prevail. It is not necessary. We raised the appropriation of the Bureau of Soils \$10,000 this year over last, and it is sufficient to carry on this work.

Mr. LEVER. In reply to that, Mr. Chairman, I would say we are taking \$5,000 of the \$10,000 increase and giving it to the State of New York.

Mr. WADSWORTH. Suppose that is so, that does not materially alter the question, and I want to repeat what I said before to you—that this is a scientific investigation and this appropriation is only for the fiscal year.

Mr. LEVER. I have heard the gentleman from New York say that so many times—

Mr. GARNER. Will the gentleman from South Carolina yield for a moment?

Mr. LEVER. Certainly.

Mr. GARNER. If it is necessary that this Bureau should be increased \$10,000 extra, why, it seems to me, we ought to add this additional \$5,000, because it is being taken out for a specific purpose. Either they did need it or did not need it.

Mr. WADSWORTH. This is not extra work; it is work on the line of the regular work by this Bureau. It is not new work entirely. It is directing the Bureau of Soils to conduct work in one section; that is all.

Mr. LEVER. We are up against just this kind of proposition: Either the increase of \$10,000 allowed by the committee was needed or it was not needed. If it was not needed it ought not to be put in this bill. If it was needed, then the committee did right in putting it into the bill. If it was needed, then we are taking \$5,000 away from it and giving it to the State of New York, and therefore we ought to put \$5,000 more to the sum total of this appropriation. That is my proposition.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken; and the Chair announced that the yeas appeared to have it.

On a division (demanded by Mr. LEVER) there were—ayes 27, noes 21.

So the amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 18537—the agricultural appropriation bill—and had come to no resolution thereon.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 15911. An act to amend the laws of the United States relating to the registration of trade-marks;

H. R. 17757. An act extending to the support of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 11037. An act relating to the transportation of dutiable merchandise without appraisement; and

H. R. 11946. An act to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1565. An act for the relief of Theodore H. Bishop;

H. R. 1340. An act granting a pension to Robert Kennish;

H. R. 2796. An act granting a pension to Benjamin T. Odiorne;

H. R. 3333. An act granting a pension to William Simmons;

H. R. 4264. An act granting a pension to Frances E. Maloon;

H. R. 4669. An act granting a pension to Joseph E. Green;

H. R. 6949. An act granting a pension to Alice W. Powers;

H. R. 6985. An act granting a pension to Susan C. Smith;

H. R. 7232. An act granting a pension to Alba B. Bean;

H. R. 7737. An act granting a pension to William H. Winters;

H. R. 7844. An act granting a pension to Phoebe Keith;

H. R. 8475. An act granting a pension to John F. Tatham;

H. R. 8687. An act granting a pension to William I. Lusch;

H. R. 8820. An act granting a pension to Inez Talkington;

H. R. 9046. An act granting a pension to William Berry;

H. R. 9287. An act granting a pension to Eliza Byron;

H. R. 9441. An act granting a pension to Clara N. Scranton;

H. R. 9442. An act granting a pension to Dora C. Walter;

H. R. 9606. An act granting a pension to Martha Jewell;

H. R. 9993. An act granting a pension to George W. Warren;

H. R. 10408. An act granting a pension to Anna E. Middleton;

H. R. 10424. An act granting a pension to Emanuel S. Thompson;

H. R. 10775. An act granting a pension to Ellen S. Cushman;

H. R. 11565. An act granting a pension to Sarah A. Brinker;

H. R. 11654. An act granting a pension to Emma A. Smith;

H. R. 11703. An act granting a pension to Laura McNulta;

H. R. 11898. An act granting a pension to Lars F. Wadsten,

alias Frederick Wadsten;

H. R. 11918. An act granting a pension to Mary A. Weigand;

H. R. 12099. An act granting a pension to Charlotte A. McCormick;

H. R. 12715. An act granting a pension to George B. Kirk;

H. R. 12803. An act granting a pension to Emma C. Waldron;

H. R. 13217. An act granting a pension to Joshua Barnes;

H. R. 13726. An act granting a pension to Sarah J. Manson;

H. R. 14677. An act granting a pension to Reuben R. Bal-

lenger;

H. R. 15321. An act granting a pension to Charles Skaden, jr.;

H. R. 15431. An act granting a pension to Theresa Creiss;

H. R. 15569. An act granting a pension to Harriet A. Duvall;

H. R. 15895. An act granting a pension to Harry D. McFar-

land;

H. R. 16520. An act granting a pension to Edward Farrell;

H. R. 16582. An act granting a pension to Ellen T. Sivals;

H. R. 16930. An act granting a pension to Virginia A. Hil-

burn;

H. R. 16972. An act granting a pension to Harriet L. Mor-

rison;

H. R. 17151. An act granting a pension to William T. Morgan;

H. R. 17273. An act granting a pension to Mary B. Watson;

H. R. 1893. An act granting an increase of pension to Henry

C. Maxwell;

H. R. 1910. An act granting an increase of pension to Andrew

H. Nichols;

H. R. 1953. An act granting an increase of pension to Susan

S. Theall;

H. R. 2102. An act granting an increase of pension to Eugenie

Tilburn;

H. R. 2173. An act granting an increase of pension to Thomas

H. Padgett;



- H. R. 2721. An act granting an increase of pension to Ashford R. Matheny;  
 H. R. 2731. An act granting an increase of pension to James M. Eddy;  
 H. R. 2778. An act granting an increase of pension to Patrick Mahoney;  
 H. R. 2794. An act granting an increase of pension to Richard E. Davis;  
 H. R. 2801. An act granting an increase of pension to Alexander M. Lowry;  
 H. R. 2852. An act granting an increase of pension to James Dayton;  
 H. R. 3347. An act granting an increase of pension to Orestes B. Wright;  
 H. R. 3419. An act granting an increase of pension to John Biddle;  
 H. R. 3430. An act granting an increase of pension to Peter M. Culins;  
 H. R. 3456. An act granting an increase of pension to David B. Ott;  
 H. R. 3689. An act granting an increase of pension to Charles W. Lyons;  
 H. R. 3738. An act granting an increase of pension to Daniel Boughman;  
 H. R. 3979. An act granting an increase of pension to Paul Stang;  
 H. R. 4230. An act granting an increase of pension to William H. Miles;  
 H. R. 4242. An act granting an increase of pension to Mary A. Foster;  
 H. R. 4294. An act granting an increase of pension to Annie R. E. Nesbitt;  
 H. R. 4350. An act granting an increase of pension to Joseph W. Vance;  
 H. R. 4679. An act granting an increase of pension to Franklin D. Clark;  
 H. R. 4763. An act granting an increase of pension to John C. Matheny;  
 H. R. 5044. An act granting an increase of pension to Hiram G. Hoke;  
 H. R. 5178. An act granting an increase of pension to Elijah Pantall;  
 H. R. 5274. An act granting an increase of pension to William T. Branam;  
 H. R. 5822. An act granting an increase of pension to Miner L. Braden;  
 H. R. 5853. An act granting an increase of pension to Quincy Corwin;  
 H. R. 5956. An act granting an increase of pension to Joseph H. Wagoner;  
 H. R. 14374. An act granting an increase of pension to Benjamin B. Caboon;  
 H. R. 14299. An act granting an increase of pension to Rose V. Mullin;  
 H. R. 13741. An act granting an increase of pension to George R. Scott;  
 H. R. 13823. An act granting an increase of pension to William Van Keuren;  
 H. R. 13840. An act granting an increase of pension to Absalom Shell;  
 H. R. 13862. An act granting an increase of pension to Luther S. Holly;  
 H. R. 13871. An act granting an increase of pension to William Delany;  
 H. R. 13881. An act granting an increase of pension to Amos Dyke;  
 H. R. 13961. An act granting an increase of pension to Julius Buxbaum;  
 H. R. 13928. An act granting an increase of pension to Harvey Foster;  
 H. R. 14001. An act granting an increase of pension to Nathan S. Ruddock;  
 H. R. 14116. An act granting an increase of pension to John P. Rains;  
 H. R. 14117. An act granting an increase of pension to William H. H. Fellows;  
 H. R. 14227. An act granting an increase of pension to Anna C. Bassford;  
 H. R. 12996. An act granting an increase of pension to Eugene B. McDonald;  
 H. R. 13139. An act granting an increase of pension to William Walrod;  
 H. R. 13345. An act granting an increase of pension to Frank Clendenin;  
 H. R. 13171. An act granting an increase of pension to Jonathan K. Porter;  
 H. R. 13437. An act granting an increase of pension to Samuel R. Lowry;  
 H. R. 13445. An act granting an increase of pension to Thomas T. Blanchard;  
 H. R. 13504. An act granting an increase of pension to Elizabeth Thompson;  
 H. R. 13730. An act granting an increase of pension to Joseph Shroyer;  
 H. R. 13738. An act granting an increase of pension to Henry Hahn;  
 H. R. 12888. An act granting an increase of pension to Jacob Sannar;  
 H. R. 11538. An act granting an increase of pension to Eli Duval;  
 H. R. 11591. An act granting an increase of pension to John B. Hall;  
 H. R. 11593. An act granting an increase of pension to Evans Blake;  
 H. R. 11606. An act granting an increase of pension to Edmund W. Bixby;  
 H. R. 11692. An act granting an increase of pension to John P. Wishart;  
 H. R. 11824. An act granting an increase of pension to Jennie P. Starkins;  
 H. R. 11907. An act granting an increase of pension to August Danielson;  
 H. R. 12017. An act granting an increase of pension to James B. Simkins;  
 H. R. 12019. An act granting an increase of pension to Henry Jacob Fox;  
 H. R. 12059. An act granting an increase of pension to Mildred W. Mitchell;  
 H. R. 12389. An act granting an increase of pension to Isalah B. McDonald;  
 H. R. 12390. An act granting an increase of pension to John W. Raynor;  
 H. R. 12407. An act granting an increase of pension to Robert Bivans;  
 H. R. 12415. An act granting an increase of pension to Elizabeth Bodkin;  
 H. R. 12521. An act granting an increase of pension to Alice Eddy Potter;  
 H. R. 12526. An act granting an increase of pension to Solomon Johnson;  
 H. R. 12534. An act granting an increase of pension to Richard Reynolds;  
 H. R. 12556. An act granting an increase of pension to Joseph W. Copping;  
 H. R. 12663. An act granting an increase of pension to Frederick Friebele;  
 H. R. 12755. An act granting an increase of pension to Nathaniel W. Plymate;  
 H. R. 6919. An act granting an increase of pension to Joseph A. C. Curtis;  
 H. R. 7540. An act granting an increase of pension to William F. Griffith;  
 H. R. 7687. An act granting an increase of pension to Charles Hammond, alias Hiram W. Kirkpatrick;  
 H. R. 7720. An act granting an increase of pension to Stephen M. Sexton;  
 H. R. 7745. An act granting an increase of pension to Wheeler Lindenbower;  
 H. R. 7821. An act granting an increase of pension to Mathias Brady;  
 H. R. 7837. An act granting an increase of pension to Mary J. McKim;  
 H. R. 7902. An act granting an increase of pension to Eugene Orr, alias Charles Southard;  
 H. R. 7968. An act granting an increase of pension to Palmetto Dodson;  
 H. R. 8046. An act granting an increase of pension to James Thompson Brown;  
 H. R. 8157. An act granting an increase of pension to Milton H. Wayne;  
 H. R. 8277. An act granting an increase of pension to Samuel S. Garst;  
 H. R. 8290. An act granting an increase of pension to Lloyd D. Bennett;  
 H. R. 8518. An act granting an increase of pension to Samuel Meadows;  
 H. R. 8711. An act granting an increase of pension to James F. Howard;

H. R. 8778. An act granting an increase of pension to George Henderson;  
 H. R. 8780. An act granting an increase of pension to Abraham M. Barr;  
 H. R. 8948. An act granting an increase of pension to John W. Hammond;  
 H. R. 9257. An act granting an increase of pension to Nathaniel M. Stukes;  
 H. R. 9261. An act granting an increase of pension to William C. Herridge;  
 H. R. 9288. An act granting an increase of pension to Catherine E. Bragg;  
 H. R. 9415. An act granting an increase of pension to John E. Murphy;  
 H. R. 9417. An act granting an increase of pension to George A. Havel;  
 H. R. 9556. An act granting an increase of pension to Thomas C. Jackson.  
 H. R. 9578. An act granting an increase of pension to Alfred B. Menard;  
 H. R. 9601. An act granting an increase of pension to John B. Page;  
 H. R. 9627. An act granting an increase of pension to Daniel Craig;  
 H. R. 9791. An act granting an increase of pension to Amelia E. Grimsley;  
 H. R. 9829. An act granting an increase of pension to William J. Thompson;  
 H. R. 9833. An act granting an increase of pension to James C. Miller;  
 H. R. 10030. An act granting an increase of pension to Arby Frier;  
 H. R. 10161. An act granting an increase of pension to Benjamin R. South;  
 H. R. 10173. An act granting an increase of pension to John H. Lockhart;  
 H. R. 10250. An act granting an increase of pension to Ephraim Marble;  
 H. R. 10358. An act granting an increase of pension to Charles Dorin;  
 H. R. 10456. An act granting an increase of pension to William T. Edgemon;  
 H. R. 10473. An act granting an increase of pension to John B. Gerard;  
 H. R. 10494. An act granting an increase of pension to Hannah C. Reese;  
 H. R. 10580. An act granting an increase of pension to Samuel Fish;  
 H. R. 10591. An act granting an increase of pension to Sarah A. Scott;  
 H. R. 10686. An act granting an increase of pension to George W. Adams;  
 H. R. 10727. An act granting an increase of pension to Aquilla M. Hizar;  
 H. R. 10924. An act granting an increase of pension to Thomas J. Sizer;  
 H. R. 11143. An act granting an increase of pension to Levi B. Noulton;  
 H. R. 11306. An act granting an increase of pension to John C. Parkinson;  
 H. R. 11348. An act granting an increase of pension to Cynthia Cordial, now Vernon;  
 H. R. 11361. An act granting an increase of pension to Thomas Hughes;  
 H. R. 11367. An act granting an increase of pension to Manning Abbott;  
 H. R. 11374. An act granting an increase of pension to Fanny L. Conine;  
 H. R. 11532. An act granting an increase of pension to Andrew J. Speed;  
 H. R. 10881. An act granting an increase of pension to Jerry Edwards;  
 H. R. 6864. An act granting an increase of pension to Henry Good;  
 H. R. 6213. An act granting an increase of pension to Hiram Linn;  
 H. R. 6238. An act granting an increase of pension to Jesse Woods;  
 H. R. 6256. An act granting an increase of pension to Solomon Riddell;  
 H. R. 6450. An act granting an increase of pension to Nannie L. Schmitt;  
 H. R. 6452. An act granting an increase of pension to William H. Doherty;

H. R. 517. An act granting an increase of pension to Luke Waldron;  
 H. R. 14915. An act granting an increase of pension to Andrew W. Tracy;  
 H. R. 14498. An act granting an increase of pension to Eliza Davidson;  
 H. R. 14534. An act granting an increase of pension to Jasper N. Harrelson;  
 H. R. 14552. An act granting an increase of pension to Henry Davey;  
 H. R. 14553. An act granting an increase of pension to Jesse Lienallen;  
 H. R. 14566. An act granting an increase of pension to Robert E. McKiernan;  
 H. R. 14657. An act granting an increase of pension to David W. West;  
 H. R. 14688. An act granting an increase of pension to Robert Timmons;  
 H. R. 14698. An act granting an increase of pension to William F. Drake;  
 H. R. 14780. An act granting an increase of pension to John A. Royer;  
 H. R. 14782. An act granting an increase of pension to Michael Manahan;  
 H. R. 14853. An act granting an increase of pension to Helen C. Sanderson;  
 H. R. 14442. An act granting an increase of pension to Esther M. Lowe;  
 H. R. 531. An act granting an increase of pension to Ebenezer Rickett;  
 H. R. 601. An act granting an increase of pension to Israel E. Munger;  
 H. R. 667. An act granting an increase of pension to George H. Gaskill;  
 H. R. 1018. An act granting an increase of pension to Silas Flournoy;  
 H. R. 1138. An act granting an increase of pension to Joseph S. Rice;  
 H. R. 1151. An act granting an increase of pension to Valentine Bartley;  
 H. R. 1245. An act granting an increase of pension to David Rankin;  
 H. R. 1375. An act granting an increase of pension to Silas Mosher;  
 H. R. 1567. An act granting an increase of pension to Edward Duffy;  
 H. R. 1734. An act granting an increase of pension to William H. Lee; and  
 H. R. 1858. An act granting an increase of pension to James Jacobs.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 442. An act granting an increase of pension to Francis Colton—to the Committee on Invalid Pensions.  
 S. 869. An act granting an increase of pension to Baltzar Mowan—to the Committee on Invalid Pensions.  
 S. 1513. An act granting an increase of pension to Harriett A. Rawles—to the Committee on Invalid Pensions.  
 S. 4177. An act granting an increase of pension to Harlan P. Cobb—to the Committee on Invalid Pensions.  
 S. 5780. An act granting a pension to Lorenzo E. Johnson—to the Committee on Invalid Pensions.

## SACRAMENTO RIVER.

The SPEAKER laid before the House the bill (H. R. 11796) entitled "An act for the diversion of water from the Sacramento River, State of California, for irrigation purposes," with Senate amendments.

The Senate amendments were read.

Mr. NEEDHAM. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken; and the Senate amendments were concurred in.

## LEAVE OF ABSENCE.

The SPEAKER laid before the House the request for unanimous consent for leave of absence as follows:

Of Mr. HOGG, for three weeks, on account of important business.

Of Mr. WEBBER, for thirty days, on account of sickness in family.

Mr. GARNER. Mr. Speaker, I object.



The SPEAKER. The question is on granting the leave asked for.

The question was taken; and the leaves were granted.

Mr. WADSWORTH. Mr. Speaker, I move that the House do now adjourn.

Accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of Commerce and Labor submitting an estimate of appropriation for relief of the officers and crew of the light-house tender *Manganita*—to the Committee on Claims, and ordered to be printed.

A letter from the Postmaster-General, transmitting a schedule of papers not needed in the transaction of public business—to the Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for buildings at the Government Hospital for the Insane—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. McKINNEY, from the Committee on the Territories, to which was referred the bill of the Senate (S. 5513) to provide for the disposition of certain property in the Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 3702); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LLOYD, from the Committee on the Territories, to which was referred the bill of the House (H. R. 18443) to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900, reported the same without amendment, accompanied by a report (No. 3704); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WACHTER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 18435) to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland, reported the same without amendment, accompanied by a report (No. 3705); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18439) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss., reported the same without amendment, accompanied by a report (No. 3703); which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LIVINGSTON: A bill (H. R. 18847) to acquire certain land in Washington Heights for a public park and site for the McClellan statue—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS (by request): A bill (H. R. 18848) for the purpose of enrolling certain intermarried white persons in the Cherokee Nation, Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. MAHON: A bill (H. R. 18849) authorizing the Secretary of State to pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 18850) donating lands in Oklahoma Territory for educational purposes—to the Committee on the Territories.

By Mr. ALLEN of Maine: A bill (H. R. 18851) to amend the laws of the United States relating to patents in the interest of the originators of horticultural products—to the Committee on Patents.

By Mr. WACHTER: A bill (H. R. 18852) to authorize the appropriation of money for the payment of certain advances made to the United States by the State of Maryland—to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 18853) providing for the development, leasing, and final disposition of the mineral lands in Indian reservations—to the Committee on Indian Affairs.

By Mr. NEVIN: A bill (H. R. 18854) providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district—to the Committee on the Judiciary.

By Mr. KNOWLAND: A bill (H. R. 18855) appropriating \$15,000 for the restoration and repair of the United States post-office building at Oakland, Cal., damaged by earthquake and fire—to the Committee on Public Buildings and Grounds.

By Mr. HAYES: A bill (H. R. 18856) for the restoration and repair of the United States post-office building at San Jose, Cal., damaged by earthquake—to the Committee on Appropriations.

Also, a bill (H. R. 18857) for the restoration and repair of the United States post-office building at San Francisco, Cal., damaged by earthquake and fire—to the Committee on Appropriations.

Also, a bill (H. R. 18858) for the restoration and repair of the United States mint and other Federal buildings in San Francisco, Cal., damaged by earthquake and fire—to the Committee on Appropriations.

By Mr. MOON of Tennessee: A bill (H. R. 18890) to appropriate \$10,000 to erect a chapel in Fort Oglethorpe, Ga., for religious purposes—to the Committee on Appropriations.

By Mr. HEARST: A joint resolution (H. J. Res. 152) authorizing the reconstruction and replacement of Federal buildings and property destroyed and the restoration and repair of Federal buildings damaged in San Francisco, Oakland, and San Jose, in the State of California, by the recent earthquake and fire—to the Committee on Public Buildings and Grounds.

By Mr. BRICK: A concurrent resolution (H. C. Res. 30) providing for the publication of 10,000 copies of addresses delivered at the exercises commemorative of John Paul Jones, at the Naval Academy, Annapolis, April 29, 1906—to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 18859) relative to the conveyance of certain land in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. BELL of Georgia: A bill (H. R. 18860) granting a pension to Andrew J. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 18861) granting a pension to John S. Dillard—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 18862) granting an increase of pension to Joseph H. Weaver—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 18863) granting an increase of pension to Noah N. Greer—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 18864) granting an increase of pension to Samuel A. Kennedy—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 18865) for the relief of John and David West—to the Committee on Claims.

Also, a bill (H. R. 18866) granting an increase of pension to Henry H. Warner—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 18867) for the relief of Mark G. Bobé—to the Committee on Claims.

By Mr. DEEMER: A bill (H. R. 18868) granting an increase of pension to Fannie B. Pitts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18869) granting an increase of pension to Ellis L. Ayres—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18870) granting an increase of pension to Henry S. Day—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18871) granting an increase of pension to Emanuel Raudabaugh—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 18872) granting an increase

of pension to Joseph Conlon—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 18873) for the relief of the estate of James O'Donnell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18874) granting a pension to Nannie T. Johnson—to the Committee on Claims.

By Mr. GOULDEN: A bill (H. R. 18875) for the relief of Dennis Reardon—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 18876) granting an increase of pension to Lemuel Hand—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 18877) granting a pension to Nancy Lay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18878) granting an increase of pension to Eli B. Miner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18879) granting an increase of pension to Thurman H. Rodeheaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18880) granting an increase of pension to William W. Dunn—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 18881) granting an increase of pension to Alexander B. Mott—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 18882) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 18883) granting an increase of pension to William H. Paul—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 18884) granting a pension to Weymouth Hadley—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 18885) granting a pension to William B. Metcalfe—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 18886) granting an increase of pension to Conrad Michael—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 18887) granting an increase of pension to Alexander W. Carruth—to the Committee on Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 18888) granting an increase of pension to Samuel Lambert—to the Committee on Invalid Pensions.

By Mr. SOUTHALL: A bill (H. R. 18889) for the relief of Davis and Roper & Co.—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of International Federation of Sunday Rest Associations, for Sunday closing of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. ADAMS of Pennsylvania: Petition of Henry T. Oxnard, Truman G. Palmer, et al., against any attack on the existing schedules of the tariff—to the Committee on Ways and Means.

Also, petition of Marine Engineers' Beneficial Association, No. 13, against bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. ADAMS of Wisconsin: Petition of citizens of Portage, Kilburn, and Adams Center, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of P. M. Cutshall, master of Grange No. 190, of Townville, Pa., and F. C. Wimersberger, master of Grange No. 997, of Lundys Lane, Pa., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. Collins and John T. Harding, of Erie, Pa., for the Hamilton bill pensioning those confined in Confederate prisons—to the Committee on Invalid Pensions.

Also, petition of the Erie Board of Trade, for the Hull bill, to increase the Coast Artillery forces—to the Committee on Military Affairs.

Also, petition of the National Business League of Chicago, Ill., against bills H. R. 9328, 4445, and 328, relative to an anti-injunction law—to the Committee on the Judiciary.

Also, petition of the International Federation of Sunday Rest Associations, for Sunday closing of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

Also, petition of the Union City Chair Company, of Union City, Pa., for a tax on all prison-made goods—to the Committee on Ways and Means.

Also, petition of the Business Men's Club of Frankfort, Ky., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Corry, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Griswold Manufacturing Company and the Erie Foundry Company, for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Board of Trade, of Philadelphia, Pa., for the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. BELL of Georgia: Paper to accompany bill for relief of heirs of John B. Graham—to the Committee on Claims.

Also, paper to accompany bill for relief of Gilbert E. L. Falls—to the Committee on Claims.

By Mr. BURLEIGH: Petition of Cushman Grange, of Gouldsboro, Me., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petition of Hooper Bros. & Thomas, of Westchester, Pa., favoring law for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDERHEAD: Petition of the Mirror, Tonganoxie, Kans., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of 24 citizens of Dickinson County, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of George W. Chase, of Junction City, Kans., favoring a law to furnish each pensioner with a penalty envelope at the same time of sending check for pension, to insure against the shortage in postage often occurring in the disbursement of pensions—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of citizens of Belle Vernon, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Western Pennsylvania Branch of the Consumers' League, for bills S. 50, H. R. 4462, and S. 2962, the child-labor and children's bureau bills—to the Committee on the District of Columbia.

Also, petition of Local No. 417, American Federation of Musicians, for bill H. R. 8748, for relief of civilian musicians—to the Committee on Naval Affairs.

Also, petition of the Society for Political Study, of New York City, for bills S. 50, H. R. 4462, and S. 2962, the child-labor and children's bureau bills—to the Committee on the District of Columbia.

By Mr. DEEMER: Petition of J. M. Webber, of Fishing Creek Grange, No. 1246, et al., favoring bill H. R. 344—to the Committee on Agriculture.

By Mr. DRAPER: Petition of the Society for Political Study, of New York City, for bills S. 50 and H. R. 4462 (the child-labor bills) and S. 2962 (children's bureau)—to the Committee on the District of Columbia.

By Mr. FLETCHER: Petition of citizens of Minneapolis, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FOSTER of Vermont: Petition of Tyler Branch Grange, of West Enosburg, Vt., for an experimental parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of the National Business League, of Chicago, Ill., against bills H. R. 9238, 2829, 4445, and 328, relative to anti-injunction legislation—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Catherine O'Donnell—to the Committee on Pensions.

By Mr. GRANGER: Petition of the League of Improvement Societies in Rhode Island, for an appropriation for extermination of gypsy moth—to the Committee on Agriculture.

By Mr. HINSHAW: Petition of citizens of Beatrice, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LACEY: Petition of the civil war veterans of Milton, Iowa, for the McCumber service-pension bill—to the Committee on Pensions.

By Mr. LINDSAY: Petition of the Society for Political Study, of New York City, for bills S. 50 and H. R. 4462 (the child-labor bills) and S. 2962 (the children's bureau bill)—to the Committee on the District of Columbia.

Also, petition of the American National Live Stock Association, for extension of the twenty-eight-hour limit on shipments of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLEFIELD: Petition of the National Grange



Monthly Bulletin, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. OVERSTREET: Petition of the Society for Political Study, of New York City, consisting of 200 women, for bills S. 50 and H. R. 4462 (the child-labor bill) and S. 2962 (for a children's bureau)—to the Committee on the District of Columbia.

By Mr. PAGE: Petition of certain citizens of the United States, for admission of works of art duty free—to the Committee on Ways and Means.

By Mr. POWERS: Petition of citizens of Lowell, Me., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Alexander W. Carruth—to the Committee on Pensions.

By Mr. RYAN: Petition of the Caddo Commercial Club, of Indian Territory, for proper provision in the Indian appropriation bill for the Five Civilized Tribes of Indians—to the Committee on Indian Affairs.

Also, petition of the Society for Political Study, of New York City, for the child-labor bills (S. 50 and H. R. 4462) and the children's bureau bill (S. 2962)—to the Committee on the District of Columbia.

By Mr. SAMUEL: Petition of Center Grange, No. 56, of Lime Ridge, Pa., favoring the President's ideas on the railway rate question and for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Society for Political Study, of New York City, for bills S. 50, H. R. 4462, and S. 2962 (the child-labor and children's bureau bills)—to the Committee on the District of Columbia.

By Mr. WACHTER: Paper to accompany bill for relief of the State of Maryland (to compensate the State of Maryland for advances made to the United States)—to the Committee on Claims.

## SENATE.

WEDNESDAY, May 2, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

### OFFICE OF SURVEYOR-GENERAL OF CALIFORNIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an amended estimate for incorporation in the legislative, etc., appropriation bill in lieu of the item for \$1,500 for contingent expenses, office of surveyor-general of California, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the following causes; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed:

In the cause of the Trustees of the Market Street Episcopal Church, of Winchester, Va., v. The United States; and

In the cause of Robert G. Griffin, Catharine H. Harris, and Isaac P. Cromwell, administrators of the estate of Hannah T. Cromwell, deceased, sole heirs of the estate of Robert Anderson, deceased v. The United States.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11796) for the diversion of water from the Sacramento River, in the State of California, for irrigation purposes.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 517. An act granting an increase of pension to Luke Waldron;

H. R. 531. An act granting an increase of pension to Ebenezer Rickett;

H. R. 601. An act granting an increase of pension to Israel E. Munger;

H. R. 667. An act granting an increase of pension to George H. Gaskill;

H. R. 1018. An act granting an increase of pension to Silas Flournoy;

H. R. 1138. An act granting an increase of pension to Joseph S. Rice;

H. R. 1151. An act granting an increase of pension to Valentine Bartley;

H. R. 1245. An act granting an increase of pension to David Rankin;

H. R. 1340. An act granting a pension to Robert Kennish;

H. R. 1375. An act granting an increase of pension to Silas Mosher;

H. R. 1565. An act for the relief of Theodore H. Bishop;

H. R. 1567. An act granting an increase of pension to Edward Duffy;

H. R. 1734. An act granting an increase of pension to William H. Lee;

H. R. 1858. An act granting an increase of pension to James Jacobs;

H. R. 1893. An act granting an increase of pension to Henry C. Maxwell;

H. R. 1910. An act granting an increase of pension to Andrew H. Nichols;

H. R. 1953. An act granting an increase of pension to Susan S. Theall;

H. R. 2102. An act granting an increase of pension to Eugenie Tilburn;

H. R. 2173. An act granting an increase of pension to Thomas H. Padgett;

H. R. 2721. An act granting an increase of pension to Ashford R. Matheny;

H. R. 2731. An act granting an increase of pension to James M. Eddy;

H. R. 2778. An act granting an increase of pension to Patrick Mahoney;

H. R. 2794. An act granting an increase of pension to Richard E. Davis;

H. R. 2796. An act granting a pension to Benjamin T. Odi-  
orne;

H. R. 2801. An act granting an increase of pension to Alexander M. Lowry;

H. R. 2852. An act granting an increase of pension to James Dayton;

H. R. 3333. An act granting a pension to William Simmons;

H. R. 3347. An act granting an increase of pension to Orrestes B. Wright;

H. R. 3419. An act granting an increase of pension to John Biddle;

H. R. 3430. An act granting an increase of pension to Peter M. Cullins;

H. R. 3456. An act granting an increase of pension to David B. Ott;

H. R. 3689. An act granting an increase of pension to Charles W. Lyons;

H. R. 3738. An act granting an increase of pension to Daniel Boughman;

H. R. 3979. An act granting an increase of pension to Paul Stang;

H. R. 4230. An act granting an increase of pension to William H. Miles;

H. R. 4242. An act granting an increase of pension to Mary A. Foster;

H. R. 4264. An act granting a pension to Frances E. Maloon;

H. R. 4294. An act granting an increase of pension to Annie R. E. Nesbitt;

H. R. 4350. A act granting an increase of pension to Joseph W. Vance;

H. R. 4669. An act granting a pension to Joseph E. Green;

H. R. 4679. An act granting an increase of pension to Franklin D. Clark;

H. R. 4763. An act granting an increase of pension to John C. Matheny;

H. R. 5044. An act granting an increase of pension to Hiram G. Hoke;

H. R. 5178. An act granting an increase of pension to Elijah Pantall;

H. R. 5274. An act granting an increase of pension to William T. Branam;

H. R. 5822. An act granting an increase of pension to Miner L. Braden;

H. R. 5853. An act granting an increase of pension to Quincy Corwin;

H. R. 5956. An act granting an increase of pension to Joseph H. Wagoner;

H. R. 6213. An act granting an increase of pension to Hiram Linn;